

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS     APRIL 29, 2014     1:30 P.M.**

**CONSENT AGENDA**

- \* Approval of minutes – April 22, 2014
- \* Confirmation of committee appointments
  
- A) Approve a resolution accepting the donation of property from Alice M. Richardson Trust to retain a six inch sanitary sewer line
- B) Approve a resolution approving a change order to the contract with GADV Inc. dba L & L General Contractors for the construction of an equipment storage building at the Henry Homberg Golf course located in Tyrrell Park
- C) Approve a resolution authorizing the transfer of ownership of property to Jefferson County Drainage District No. 6 for the development of the Northwest Parkway Project
- D) Approve a resolution authorizing the City Manager to execute an Interlocal Agreement with Jefferson County Drainage District No. 6 for the development of the Northwest Parkway Project



## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Patrick Donart, Public Works Director <sup>PD</sup>

**MEETING DATE:** April 29, 2014

**REQUESTED ACTION:** Council consider a resolution accepting the donation of property from Alice M. Richardson Trust.

### BACKGROUND

As part of the West Lucas Expansion Project, the property shown on Exhibit "B" was acquired. On August 2, 2005, City Council approved Resolution No. 05-167 authorizing the sell of a surplus tract of land adjacent to 4285 Calder to the Alice M. Richardson Trust for the negotiated value of \$1,000 subject to retaining a six inch (6") sanitary sewer line.

On May 8, 2012, City Council approved Resolution No. 12-096 authorizing the acceptance of a 352.42 square foot sanitary sewer easement left of 4285 Calder for the purpose of providing services to existing residences and business in the area.

This property should not have been sold as part of the surplus sell. The City of Beaumont has been maintaining the property shown on Exhibit "B" as part of the West Lucas Right-of-Way. The owner has agreed to donate their property to the City:

Owner: Alice M. Richardson Trust

Assessed Value: \$1,000.00

Legal Description: Being the remainder of Lots Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Block Two (2), of the Broadway Place Addition to the City of Beaumont, Jefferson County, Texas according to the map or plat of record in Volume 7, Page 172 of the Map Records of said County and State, and conveyed to the City of Beaumont under County Clerk's Film Code Numbers 95-9503705 (February 8, 1995), 95-9504237 (February 13, 1995), 94-9415919 (May 16, 1994) and 94-9427460 (August 14, 1994) of the Real Property Records in the County Clerk of Jefferson County in the office of the County Clerk of Jefferson County, Texas.

### FUNDING SOURCE

None.

### RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, Alice M. Richardson Trust has agreed to donate property as described in Exhibit "A" and shown on Exhibit "B," attached hereto, to the City of Beaumont for the West Lucas Expansion Project and,

WHEREAS, the City Council has considered the donation of said tract and is of the opinion that the delivery and receipt of said tract is necessary and desirable and that same should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the donation of the above described property donated by Alice M. Richardson Trust is hereby in all things accepted.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 29th day of April, 2014.

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- Mayor Becky Ames -

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR DRIVER'S LICENSE NUMBER.**

THE STATE OF TEXAS                   X

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF JEFFERSON               X

**SPECIAL WARRANTY DEED**

That, ALICE M RICHARDSON TRUST, of the County of Jefferson, State of Texas, hereinafter called GRANTOR for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration, to it in hand paid by the CITY OF BEAUMONT, a municipal corporation, domiciled in Jefferson County, Texas, hereinafter called GRANTEE, for the conveyance of the hereinafter described property, the receipt and sufficiency of which is hereby acknowledged and confessed, has GRANTED, SOLD and CONVEYED, subject to the reservations and exceptions hereinafter made, and by these presents does GRANT, SELL and CONVEY unto the said CITY OF BEAUMONT, P. O. Box 3827, Beaumont, Texas 77704, and to its successors and assigns forever the property described in Exhibit "A", attached hereto and made a part hereof for all purposes.

GRANTOR does hereby except and reserve from this conveyance unto herself, her successors and assigns, forever, all of the oil, gas, and sulphur in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same.

This conveyance is expressly made subject to all zoning laws and to restrictions, covenants, conditions, easements and mineral and/or royalty reservations, if any, effecting the property. TO HAVE AND TO HOLD the above described premises together with all and singular the rights and appurtenances thereto and in any wise belonging, unto the said

**EXHIBIT "A"**

GRANTEE and GRANTEE'S successors and assigns, forever; and said GRANTOR binds herself and her successors and assigns to warrant and forever defend all and singular the said premises unto the said GRANTEE and GRANTEE'S successors or assigns, against every person lawfully claiming or to claim all or any part of the property, subject to the provisions stated above, when the claim is by, through, or under GRANTOR but not otherwise.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

GRANTOR:  
ALICE M RICHARDSON TRUST

\_\_\_\_\_  
MARY SCHMIDT  
TRUSTEE

STATE OF TEXAS                      X

COUNTY OF JEFFERSON            X

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2014,  
by MARY SCHMIDT, Trustee of the Alice M. Richardson Trust.

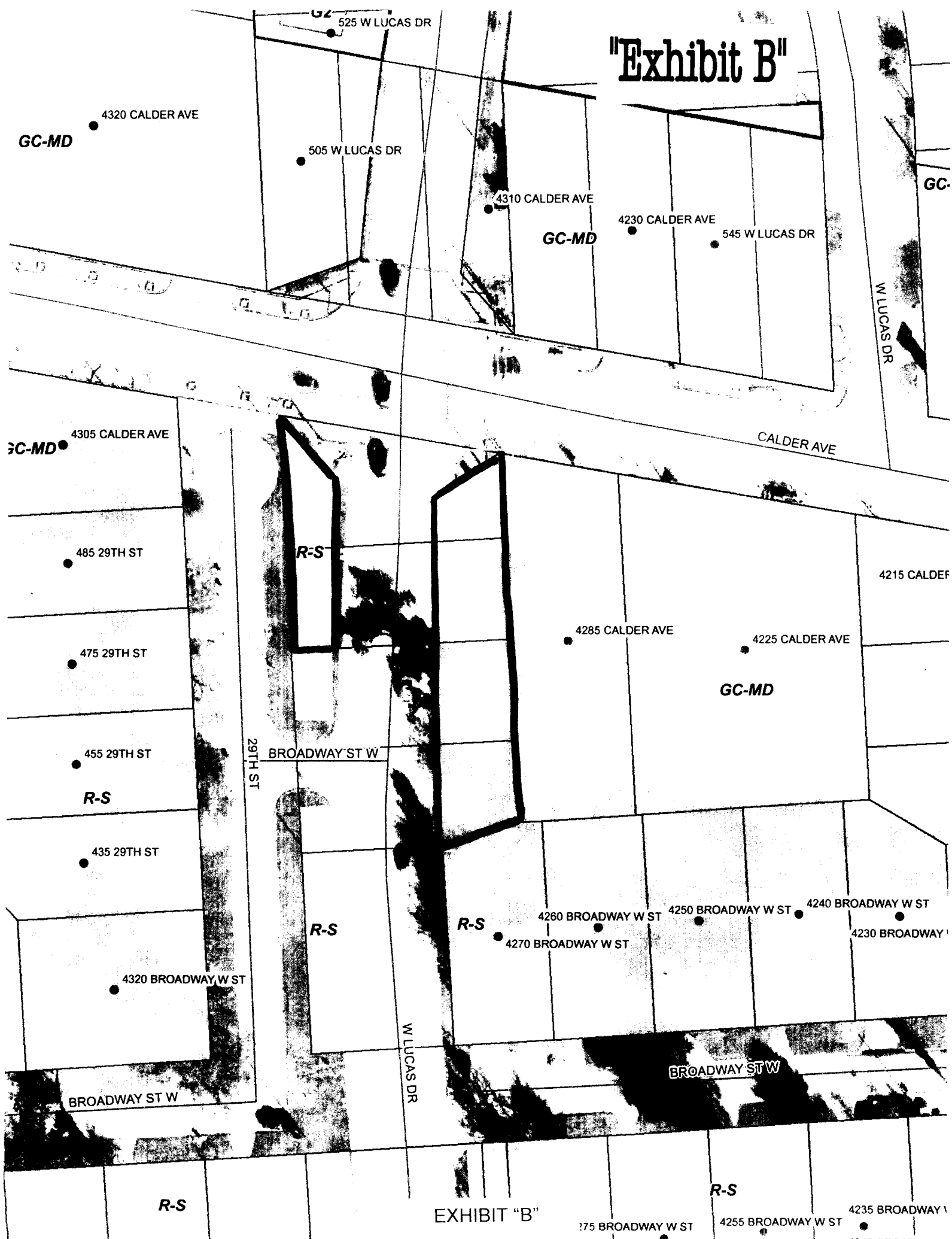
\_\_\_\_\_  
Notary Public, State of Texas

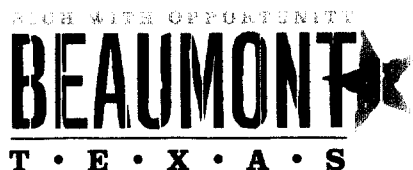
RETURN TO: City of Beaumont  
              c/o Antoinette Hardy  
              P. O. Box 3827  
              Beaumont, TX 77704

EXHIBIT "A"

Being the remainder of Lots Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Block Two (2), of the Broadway Place Addition to the City of Beaumont, Jefferson County, Texas according to the map or plat of record in Volume 7, Page 172 of the Map Records of said County and State, and conveyed to the City of Beaumont under County Clerk's Film Code Numbers 95-9503705 (February 8, 1995), 95-9504237 (February 13, 1995), 94-9415919 (May 16, 1994) and 94-9427460 (August 14, 1994) of the Real Property Records in the County Clerk of Jefferson County in the office of the County Clerk of Jefferson County, Texas.

# "Exhibit B"





## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** <sup>PD</sup> Patrick Donart, Public Works Director

**MEETING DATE:** April 29, 2014

**REQUESTED ACTION:** Council consider a resolution approving a change order to the contract with GADV Inc. dba L & L General Contractors for the construction of an equipment storage building at the Henry Homberg Golf course located in Tyrrell Park.

### BACKGROUND

On January 21, 2014, City Council approved a contract to GADV Inc. dba L & L General Contractors for the construction of an equipment storage building at the Henry Homberg Golf course located in Tyrrell Park. The project includes a pre-engineered metal building to replace the existing storage barn.

There is an existing water line through the proposed location for the storage barn. Change Order No. 1 includes the installation of an eight-inch (8") water line, two gate valves, and required fittings to relocate the line. Due to rain days, delays in determining the type and ownership of the existing line, and installation of the new line, an additional 90 days is being requested to the contract time. If approved the contract time would end on September 24, 2014.

The amount requested for Change Order No. 1 is \$16,440 and will be deducted from the \$20,000 contingency allowance. The remaining balance in the contingency will be \$3,560. This change order will not affect the original contract amount of \$597,000.

### FUNDING SOURCE

Capital Program.

### RECOMMENDATION

Approval of resolution.





# Document G701™ – 2001

## Change Order

<b>PROJECT</b> (Name and address): Tyrrell Park Golf Cart Storage Building 5940 Babe Zaharias Drive Beaumont, Texas 77705	<b>CHANGE ORDER NUMBER:</b> 001 <b>DATE:</b> 04/15/2014	<b>OWNER:</b> <input checked="" type="checkbox"/> <b>ARCHITECT:</b> <input checked="" type="checkbox"/> <b>CONTRACTOR:</b> <input checked="" type="checkbox"/> <b>FIELD:</b> <input type="checkbox"/> <b>OTHER:</b> <input type="checkbox"/>
<b>TO CONTRACTOR</b> (Name and address): GADV Inc., d/b/a L&L General Contractors 11988 FM 365 Beaumont, Texas 77705	<b>ARCHITECT'S PROJECT NUMBER:</b> 13-576 <b>CONTRACT DATE:</b> 02/17/2014 <b>CONTRACT FOR:</b> General Construction	

### THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Extension of contract for 90 days due to unforeseen circumstances and additional changes. The contingency balance of \$20,000.00 will be decreased by \$16,440.00 for plumbing (see attachment)

The original Contract Sum was	\$	597,000.00
The net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	597,000.00
The Contract Sum will be unchanged by this Change Order in the amount of	\$	0.00
The new Contract Sum including this Change Order will be	\$	597,000.00

The Contract Time will be increased by Ninety (90) days.

The date of Substantial Completion as of the date of this Change Order therefore is September 24, 2014

**NOTE:** This Change Order does not include changes in the Contract Sum, ~~Contract Time~~ or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

### NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Sigma Engineers, Inc.	GADV Inc., d/b/a L&L General Contractors	City of Beaumont
<b>ARCHITECT</b> (Firm name)	<b>CONTRACTOR</b> (Firm name)	<b>OWNER</b> (Firm name)
4099 Calder Avenue	11988 FM 365	P. O. Box 3827
<b>ADDRESS</b>	<b>ADDRESS</b>	<b>ADDRESS</b>
<b>BY</b> (Signature)	<b>BY</b> (Signature)	<b>BY</b> (Signature)
Sina K. Nejad.		
(Typed name)	(Typed name)	(Typed name)
04/15/14	04.15.14	
<b>DATE</b>	<b>DATE</b>	<b>DATE</b>

RESOLUTION NO.

WHEREAS, on January 21, 2014, the City Council of the City of Beaumont, Texas, passed Resolution No. 14-017 awarding a contract in the amount of \$597,000 to GADV, Inc., d/b/a L & L General Contractors, of Beaumont, Texas, for construction of an equipment storage building at the Henry Homberg Golf Course located in Tyrrell Park; and,

WHEREAS, a contingency allowance in the amount of \$20,000 was included in the above noted contract; and,

WHEREAS, Change Order No. 1, in the amount of \$16,440, is required for installation of an eight inch (8") water line, two gate valves, and required fittings to relocate the line, said amount to be deducted from the contingency allowance;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

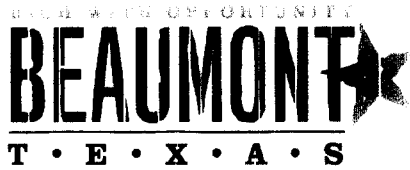
THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the City Manager be and he is hereby authorized to execute Change Order No. 1 for additional work described above, in the amount of \$16,440, said amount to be deducted from the \$20,000 contingency allowance, for construction of an equipment storage building at the Henry Homberg Golf Course located at Tyrrell Park.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 29th day of April, 2014.

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- Mayor Becky Ames -



## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:**  Patrick Donart, Public Works Director

**MEETING DATE:** April 29, 2014

**REQUESTED ACTION:** Council consider a resolution authorizing the transfer of ownership of property to Jefferson County Drainage District No. 6 for the development of the Northwest Parkway Project.

### BACKGROUND

On December 8, 2008, Weston Trail Property, Ltd. sold a 3.5176 acre tract of land to the City of Beaumont for drainage on Old Dowlen Road. As part of the project, Jefferson County Drainage District No. 6 constructed the drainage ditch, identified as Ditch No. 123-A4 in their system. Jefferson County Drainage District No. 6 has been maintaining this ditch and property since construction.

As part of the Northwest Parkway Project, a portion of the drainage from this project will be directed to Ditch No. 123-A4. Since the 3.5176 acre tract was acquired for drainage purposes, it is necessary for the City to convey this property to the Jefferson County Drainage District No. 6.

The property to be conveyed by a Special Warranty Deed is described as a 3.5176 acre tract of land situated in the W. B. Dyches Survey, Abstract No. 17.

### FUNDING SOURCE

None.

### RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute an Interlocal Agreement between the City of Beaumont and Jefferson County Drainage District No. 6 for the development of the Northwest Parkway Project. The Interlocal Agreement is substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 29th day of April, 2014.

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- Mayor Becky Ames -

# **INTERLOCAL AGREEMENT**

## **THE CITY OF BEAUMONT AND JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6**

### **NORTHWEST PARKWAY PROJECT**

**STATE OF TEXAS       §  
                                  §  
COUNTY OF JEFFERSON §**

This Northwest Parkway Project Interlocal Agreement is made by and between the **CITY OF BEAUMONT**, a home rule City of the State of Texas (hereinafter called “**City**”) and **JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6**, a special district of the State of Texas (hereinafter called “**District**”) under authority of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code.

**WHEREAS**, the City is undertaking a road project called the Northwest Parkway (hereinafter called “**Project**”), and this roadway will cross one (1) tract of land owned by the District, as well as three (3) easement tracts belonging to the District.

**WHEREAS**, the Project will cross these four tracts between Major Drive and Old Dowlen Road, north of Folsom Road.

**THEREFORE**, the City and the District agree as follows:

### **W I T N E S S E T H**

The City and the District have agreed to the responsibilities of this Project on the following basis:

1. The City will be responsible for all costs of engineering, design, coordination (to include bidding, letting of materials and construction contracts), construction, and project management for this Project.

2. The City will be responsible for the maintenance of this Project.
3. The District will be shown as an additional name insured on the contractor's insurance policy during construction of the Project, with full indemnification provided to the District by the contractor.
4. The cost of relocation of city-owned utility lines and structures, if any, will be borne by the City.
5. The City will design and construct the road crossings on these four (4) tracts to convey the 100-year, fully developed peak flow with no more than 0.3 feet of head loss at each crossing.
6. The City will design and construct erosion control at each crossing.
7. The District will be allowed to review and comment on the design of the crossings.
8. The District will be responsible for conveying a 0.300-acre easement called Parcel 7 and described on the attached **Exhibit "A."**
9. The District will be responsible for granting to the City encroachment agreements across a 0.359-acre tract called Parcel 3 and described on the attached **Exhibit "B,"** and a 0.303-acre tract called Tract 1 of Parcel 5 and a 0.333-acre tract called Tract 2 of Parcel 5 and described on the attached **Exhibit "C."**
10. The City will be responsible for conveying by way of a deed, a 3.5176-acre tract of land to Jefferson County Drainage District No. 6 that was conveyed to the City of Beaumont by Weston Trails Property, Ltd. and recorded in the Real Property Records of Jefferson County, Texas, File 2008041231, for a ditch which the District constructed and now maintains for the drainage of Old Dowlen Road. This ditch is known as Ditch No. 123-A4.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:**

**CITY OF BEAUMONT**

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
City Manager  
Printed Name: \_\_\_\_\_

**ATTEST:**

**JEFFERSON COUNTY  
DRAINAGE DISTRICT NO. 6**

By: \_\_\_\_\_  
Charles "Chuck" Guillory, Secretary

By: \_\_\_\_\_  
Joshua W. Allen, Sr., President

DC/pa/DD6

## PROPERTY DESCRIPTION OF PARCEL 7

**METES AND BOUNDS DESCRIPTION OF 0.300 ACRES OF LAND  
SITUATED IN AND A PART OF THE  
W.B. DYCHES, ABSTRACT NO. 17  
JEFFERSON COUNTY, TEXAS**

Being a 0.300 acre tract or parcel of land, a portion of that certain tract of land (called 4.417 acres) as conveyed by deed to Jefferson County Drainage District No. 6 in Clerk's File No. 2008000947 of the Official Public Records of said County, part of the W.B. Dyches Survey, Abstract 17 of said County and being more particularly described by metes and bounds as follows;

**FOR LOCATIVE PURPOSES COMMENCING** at Drainage District No. 6 monument found marking the most westerly Southwest corner of that certain tract of land (called 79.529 acres) as conveyed by deed to Redwood Development, LP in Clerk's File No. 2010033932 of the Official Public Records of said County; ;

**THENCE** North 02 deg. 52 min. 20 sec. West along and with the West line of said 79.529 acre tract of land a distance of 1560.16 feet to a ½" rod with capped marked Access in the easterly line of said 4.417 acre tract of land and marking the beginning of a curve to the left;

**THENCE** along said curve with a radius of 1245.20 feet, a central angle of 04 deg. 35 min. 36 sec., a chord bearing of North 05 deg. 02 min. 57 sec. West, a chord length of 99.80 feet and an arc distance of 99.82 feet to a ½" steel rod with cap marked Arceneaux & Gates set for the Southeast corner and **PLACE OF BEGINNING** of the herein described tract of land;

**THENCE** along a curve with a radius of 2465.00 feet, a central angle of 02 deg. 20 min. 56 sec., a chord bearing of South 73 deg. 49 min. 53 sec. West, a chord length of 101.05 feet and an arc distance of 101.05 feet to a ½" steel rod with cap marked Arceneaux & Gates set in the West line of said 4.417 acre tract of land and the East line of that certain tract of land (called 28.787 acres) as conveyed by deed to Lake Beau, LP in Clerk's File No. 2005038617 of the Official Public Records of said County, and marking the Southwest corner of the herein described tract of land;

**THENCE** along and with the West line of said 4.417 acre tract of land and the East line of said 28.787 acre tract of land a curve with a radius of 1151.68 feet, a central angle of 06 deg. 29 min. 51 sec., a chord bearing of North 09 deg. 57 min. 34 sec. West, a chord length of 130.53 feet and an arc distance of 130.60 feet to a ½" steel rod with cap marked Arceneaux & Gates set in the West line of said 4.417 acre tract of land and the East line of said 28.787 acre tract of land and marking the Northwest corner of the herein described tract of land;



**THENCE** along a curve with a radius of 2335.00 feet, a central angle of 02 deg. 27 min. 31 sec., a chord bearing of North 73 deg. 29 min. 44 sec. East, a chord length of 100.19 feet and an arc distance of 100.19 feet to a ½" steel rod with cap marked Arceneaux & Gates set in the East line of said 4.417 acre tract of land and the West line of said 79.529 acre tract of land and marking the Northeast corner of the herein described tract of land;

**THENCE** along and with the East line of said 4.417 acre tract of land and the West line of said 79.529 acre tract of land a curve with a radius of 1245.20 feet, a central angle of 06 deg. 01 min. 54 sec., a chord bearing of South 10 deg. 21 min. 42 sec. East, a chord length of 131.03 feet and an arc distance of 131.09 feet to the **PLACE OF BEGINNING** of the herein described tract of land and containing 0.300 acres of land more or less.

Surveyed: December 2013

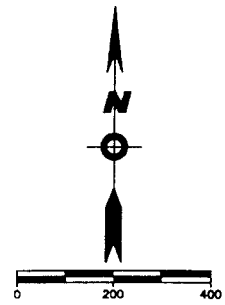


*Ronald J. Arceneaux*  
Ronald J. Arceneaux, R.P.L.S. #4572

**Notes:**

Bearings, distances and coordinates referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83

An Exhibit of even date is being submitted with and being made a part of this Metes and Bounds Description.



REPLAT OF  
STONELEIGH  
16.016 Ac.  
06/18/2010  
CF#2010022648

REMAINDER OF  
HOMSAR PROPERTIES  
TO  
LAKE BEAU, LP  
28.787 AC.  
10/27/2005  
CF#2005038617

LATEX INVESTORS, LP  
TO  
DD#6.  
4.417 AC.  
01/10/2008  
CF#2008000947

AMOCO PRODUCTS CO.  
TO  
D.D.#6 TRACT 2-D  
9.44Ac.  
11/05/2001  
F.F. 104-01-0353

C3  
C4  
C1  
0.300 Ac.  
POB

R=1245.20'  
ARC=99.82'  
 $\Delta=04^{\circ} 35' 36''$   
CB=N  $05^{\circ} 02' 57''$   
CL=W 99.80'

DELTA ROAD DEVELOPMENT  
TO  
TEXAS REALMS, LTD  
4.862 AC.  
07/30/2009  
CF#2009028165

LATEX INVESTORS, LP  
TO  
D.D.#6 TRACT 2  
2.772 Ac.  
11/05/2001  
#2001040445

LATEX INVESTORS, LP  
TO  
REDWOOD DEVELOPMENT, LP  
79.529 AC.  
09/14/2010  
CF#2010033932

### LEGEND

- ▲ FOUND CORNER
- SET 1/2" STEEL ROD W/CAP  
MARKED ARCENEUX & GATES

POC POINT OF COMMENCING  
POB POINT OF BEGINNING

DATE OF SURVEY: DECEMBER 2013



**ARCENEUX & GATES**  
Consulting Engineers, Inc.  
Engineers Surveyors Planners

3501 Turtle Creek Drive, Suite 102  
Port Arthur, Texas 77642  
(409) 724-7888  
A Burrow Global Company

TEXAS REGISTERED ENGINEERING FIRM F-30  
TEXAS LICENSED SURVEYING FIRM 100142-00

PARCEL PLAT			PAGE
PARCEL 7			3
NORTHWEST PARKWAY			OF
BEAUMONT, JEFFERSON COUNTY, TX			4
DATE: DECEMBER 2013	SCALE: SHOWN	DRAWN: BJB	
PROJ. No.: CAI-040	DESIGN:	CHECKED: RJA	



**PROPERTY DESCRIPTION OF PARCEL 3****METES AND BOUNDS DESCRIPTION OF 0.359 ACRES OF LAND  
SITUATED IN AND A PART OF THE  
W.B. DYCHES, ABSTRACT NO. 17  
JEFFERSON COUNTY, TEXAS**

Being a 0.359 acre tract or parcel of land, a portion of that certain tract of land (called 7.57 acres) as conveyed by deed to Jefferson County Drainage District No. 6 in County Clerk's Film File Code 104-01-0353 of the Official Public Records of said County, part of the W.B. Dyches Survey, Abstract 17 of said County and being more particularly described by metes and bounds as follows;

**FOR LOCATIVE PURPOSES COMMENCING** at a ½" rod with cap marked Faust found marking the Southwest corner of that certain tract of land (called 3.5176 acres) conveyed by deed to The City of Beaumont, Texas as recorded in Clerk's File No. 2008041231 of said County, a point in the West line of that certain tract of land (called 118.598 acres) as conveyed by deed to Weston Trails Property, LTD., in Clerk's File No. 1999023143 of said County and the East line of said 7.57 acre tract of land and the East line of that certain tract of land (called 294.8436 acres) conveyed by deed to Northwest Beaumont Development, LTD. in Clerk's File No. 2002000092 of said County;

**THENCE** North 04 deg. 03 min. 22 sec. West along and with the East line of said 7.57 acre tract of land, the East line of said 294.8436 acre tract of land and the West line of said 118.598 acre tract of land a distance of 473.63 feet to a ½" steel rod with cap marked Arceneaux & Gates set for the Southeast corner and the **PLACE OF BEGINNING** of the herein described tract of land;

**THENCE** South 86 deg. 57 min. 51 sec. West a distance of 120.29 feet to a ½" steel rod with cap marked Arceneaux & Gates set in the West line of said 7.57 acre tract of land for the Southwest corner of the herein described tract of land;

**THENCE** North 04 deg. 03 min. 55 sec. West along and with the West line of said 7.57 acre tract of land a distance of 130.02 feet to a ½" steel rod with cap marked Arceneaux & Gates set for the Northwest corner of the herein described tract of land;

**THENCE** North 86 deg. 57 min. 51 sec. East a distance of 120.31 feet to a ½" steel rod with cap marked Arceneaux & Gates set in the East line of said 294.8136 acre tract of land, the East line of said 7.57 acre tract of land and the West line of said 118.598 acre tract of land for the Northeast corner of the herein described tract of land;

**THENCE** South 04 deg. 03 min. 15 sec. East along and with the East line of said 294.8436 acre tract of land, the East line of said 7.57 acre tract of land and the West line of said 118.598 acre tract of land a distance of 130.02 feet to the **PLACE OF BEGINNING** of the herein described tract of land and containing 0.359 acres of land more or less.

Surveyed: December 2013

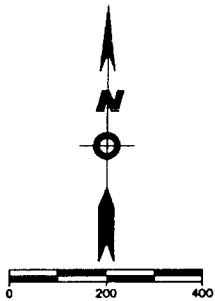


*Ronald J. Arceneaux*  
Ronald J. Arceneaux, R.P.L.S. #4572

**Notes:**

Bearings, distances and coordinates referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83

An Exhibit of even date is being submitted with and being made a part of this Metes and Bounds Description.

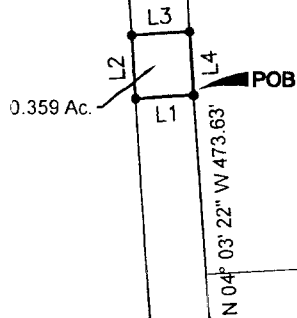


AMOCO PRODUCTS CO.  
TO  
NORTHWEST BEAUMONT  
DEVELOPMENT, LTD  
294.8436 AC.  
01/02/2002  
CF#2002000092

PAULA RENE MARTIN  
TO BRIAN BRETT MARTIN  
85.710 AC.  
05/22/2012  
CF#2012017083

AMOCA PRODUCTS CO.  
TO  
D.D.#6 TRACT 2-C  
7.57Ac.  
11/05/2001  
9141104  
F.F. 104-01-0353

W.B. DYCHES SURVEY  
G.S.U.  
0.703 AC.  
09/10/1970  
VOL. 1651, PG. 451



WESTON TRAILS PROPERTY, LTD  
TO  
CITY OF BEAUMONT  
3.5176 AC.  
12/16/2008  
CF#2008041231

REMAINDER OF  
AMOCA PRODUCTS CO.  
TO  
WESTON TRAILS PROPERTY, LTD  
118.598 AC.  
06/14/1999  
CF#1999023143

### LEGEND

- ▲ FOUND CORNER
  - SET 1/2" STEEL ROD W/CAP  
MARKED ARCENEAUX & GATES
- POC POINT OF COMMENCING  
POB POINT OF BEGINNING

DATE OF SURVEY: DECEMBER 2013



**ARCENEAUX & GATES**  
Consulting Engineers, Inc.  
Engineers Surveyors Planners  
3601 Turtle Creek Drive, Suite 102  
Port Arthur, Texas 77642  
(409) 724-7888  
A Burrow Global Company

TEXAS REGISTERED ENGINEERING FIRM F-30  
TEXAS LICENSED SURVEYING FIRM 100142-00

PARCEL PLAT

PARCEL 3

NORTHWEST PARKWAY

BEAUMONT, JEFFERSON COUNTY, TX

PAGE

3  
OF  
4

DATE: DECEMBER 2013

SCALE: SHOWN

DRAWN: BJB

PROJ. No.: CAI-040

DESIGN:

CHECKED: RJA

FROM: 20140801 10:00 AM TO: 20140801 10:00 AM LAST PRINTED: Tuesday, December 17, 2013 10:00 AM

Parcel Line Table		
Line #	Length	Direction
L1	120.29'	S86° 57' 51"W
L2	130.02'	N04° 03' 55"W
L3	120.31'	N86° 57' 51"E
L4	130.02'	S04° 03' 15"E

Line #	Length	Direction
L1	120.29'	S86° 57' 51"W
L2	130.02'	N04° 03' 55"W
L3	120.31'	N86° 57' 51"E
L4	130.02'	S04° 03' 15"E

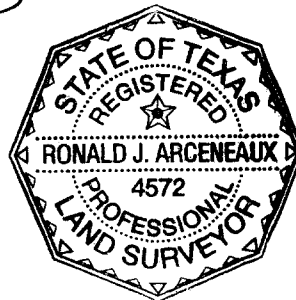
COORDINATES, BEARINGS AND DISTANCES REFERENCED  
TO THE TEXAS STATE PLANE COORDINATE SYSTEM,  
SOUTH CENTRAL ZONE, NAD 83.  
GRID SCALE: 0.999958339

THIS PLAT IS BEING SUBMITTED ALONG WITH METES AND BOUNDS DESCRIPTION  
OF EVEN DATE BASED ON THIS SURVEY.

GIVEN UNDER MY HAND SEAL THIS THE 17 DAY OF NOV

*Ronald J. Arceneaux*

RONALD J. ARCEAUX, RPLS NO. 4572



**ARCENEUX & GATES**  
**Consulting Engineers, Inc.**  
**Engineers Surveyors Planners**

3501 Turtle Creek Drive, Suite 102  
Port Arthur, Texas 77642  
(409) 784-7888  
A Burrow Global Company

TEXAS REGISTERED ENGINEERING FIRM F-30  
TEXAS LICENSED SURVEYING FIRM 100142-00

PARCEL PLAT PARCEL 3		PAGE 4 OF 4
NORTHWEST PARKWAY BEAUMONT, JEFFERSON COUNTY, TX		
DATE: DECEMBER 2013	SCALE: SHOWN	DRAWN: BJB
PROJ. No.: CAI-040	DESIGN:	CHECKED: RJA

## PROPERTY DESCRIPTION OF PARCEL 5

**METES AND BOUNDS DESCRIPTION OF  
TRACT 1 (0.303 ACRES) AND TRACT 2 (0.333 ACRES) OF LAND  
SITUATED IN AND A PART OF THE  
W.B. DYCHES, ABSTRACT NO. 17  
JEFFERSON COUNTY, TEXAS**

Being a 0.303 acre tract or parcel of land and a 0.333 acre tract or parcel of land, a portion of that certain tract of land (called Tract 2-D and containing 9.44 acres) as conveyed by deed to Jefferson County Drainage District No. 6 in County Clerk's Film File Code 104-01-0353 of the Official Public Records of said County, part of the W.B. Dyches Survey, Abstract 17 of said County and being more particularly described by metes and bounds as follows;

**TRACT 1**

**FOR LOCATIVE PURPOSES COMMENCING** at a 1/2" rod with cap marked Access found marking the most Northeast corner of Pointe Parkway, a public dedicated Right-of-Way;

**THENCE** North 86 deg. 26 min. 12 sec. West along and with the North Right-of-Way of Pointe Parkway a distance of 69.83 feet to a 1/2" rod with cap marked Access found for the Northwest corner of Point Parkway;

**THENCE** North 34 deg. 37 min. 40 sec. West a distance of 1549.57 feet to a 1/2" steel rod with cap marked Arceneaux & Gates set in the westerly line of said 9.44 acre tract of land and the easterly line of a certain tract of land (called 79.529 acres) as conveyed by deed to Redwood Development, LP in Clerk's File No. 2010033932 of said County and for the most southerly corner and the **PLACE OF BEGINNING** of the herein described tract of land;

**THENCE** North 35 deg. 48 min. 15 sec. West along and with the westerly line of said 9.44 acre tract of land and the easterly line of said 79.529 acre tract of land a distance of 131.77 feet to a 1/2" steel rod with cap marked Arceneaux & Gates set for the most westerly corner of the herein described tract of land;

**THENCE** North 63 deg. 36 min. 12 sec. East a distance of 101.51 feet to a 1/2" steel rod with cap marked Arceneaux & Gates set in the easterly line of said 9.44 acre tract of land for the most northerly corner of the herein described tract of land;

**THENCE** South 35 deg. 48 min. 15 sec. East along and with the easterly line of said 9.44 acre tract of land a distance of 131.77 feet to a 1/2" steel rod with cap marked Arceneaux & Gates set for the most easterly corner of the herein described tract of land;



**THENCE** South 63 deg. 36 min. 12 sec. West a distance of 101.51 feet to the **PLACE OF BEGINNING** of the herein described tract of land and containing 0.303 acres of land more or less.

## **TRACT 2**

**FOR LOCATIVE PURPOSES COMMENCING** at a 1/2" rod with cap marked Access found marking the most Northeast corner of Pointe Parkway, a public dedicated Right-of-Way;

**THENCE** North 21 deg. 30 min. 41 sec. East a distance of 208.56 feet to a 1/2" steel rod with cap marked Arceneaux & Gates set in the southwesterly line of said 9.44 acre tract of land and the northerly line of a certain tract of land (called 10.0187 acres) as conveyed by deed to Christian Fellowship Worship Center, Inc. in Clerk's File No. 2006029008 of said County and for the Southeast corner and the **PLACE OF BEGINNING** of the herein described tract of land;

**THENCE** North 51 deg. 27 min. 51 sec. West along and with the southwesterly line of said 9.44 acre tract of land and the northerly line of said 10.0187 acre tract of land at a distance of 47.36 feet passing the Northwest corner of said 10.0187 acre tract of land and continuing a total distance of 140.88 feet to a 1/2" steel rod with cap marked Arceneaux & Gates set for the Southwest corner of the herein described tract of land;

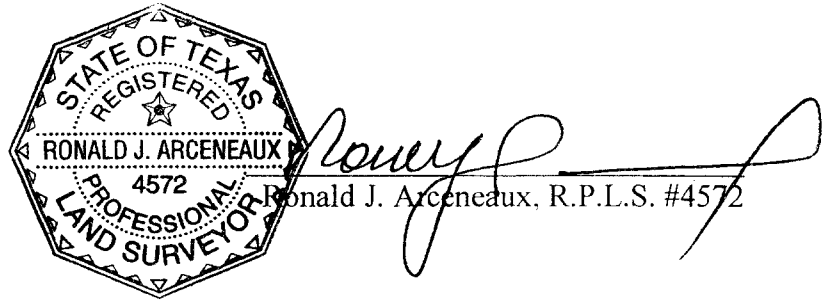
**THENCE** along a curve with a radius of 595.00 feet, a central angle of 11 deg. 02 min. 08 sec., a chord bearing of North 09 deg. 52 min. 42 sec. East, a chord length of 114.42 feet and an arc distance of 114.60 feet to a 1/2" steel rod with cap marked Arceneaux & Gates set in the northeasterly line of said 9.44 acre tract and for the Northwest corner of the herein described tract of land;

**THENCE** South 51 deg. 39 min. 24 sec. East along and with the northeasterly line of said 9.44 acre tract of land a distance of 151.03 feet to a 1/2" steel rod with cap marked Arceneaux & Gates set for the Northeast corner of the herein described tract of land;

**THENCE** along a curve with a radius of 725.00 feet, a central angle of 05 deg. 38 min. 52 sec., a chord bearing of South 13 deg. 53 min. 57 sec. West, a chord length of 71.44 feet and an arc distance of 71.47 feet to a 1/2" steel rod with cap marked Arceneaux & Gates set for point of tangency;

**THENCE** South 16 deg. 08 min. 40 sec. West a distance of 38.58 feet to the **PLACE OF BEGINNING** of the herein described tract of land and containing 0.333 acres of land more or less.

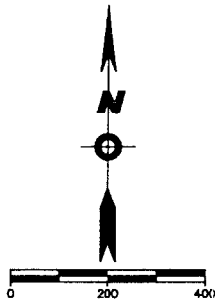
Surveyed: December 2013



**Notes:**

Bearings, distances and coordinates referenced to the Texas State Plane Coordinate System,  
South Central Zone, NAD 83

An Exhibit of even date is being submitted with and being made a part of this Metes and Bounds  
Description.



AMOCO PRODUCTS CO.  
TO  
NORTHWEST BEAUMONT  
DEVELOPMENT, LTD  
294.8436 AC.  
01/02/2002  
CF#2002000092

W.B. DYCHES SURVEY  
A-17

TRACT 1  
0.303 Ac.  
L1 L2 L3 L4  
POB

AMOCO PRODUCTS CO.  
TO  
D.D.#6 TRACT 2-D  
9.44Ac.  
11/05/2001  
9141104  
F.F. 104-01-0353

LATEX INVESTORS, LP  
TO  
REDWOOD DEVELOPMENT, LP  
79.529 AC.  
09/14/2010  
CF#2010033932

TRACT 2  
0.333 Ac.  
C1 L2 L3  
C2 L1  
POB  
POC

N 86° 26' 12" W  
69.83'

LATEX INVESTORS, LP  
TO  
CHRISTIAN FELLOWSHIP  
WORSHIP CENTER, INC.  
10.0187 AC.  
07/27/2006  
CF#2006029008

POINTE PARKWAY

N 21° 30' 41" E  
208.56'

### LEGEND

- ▲ FOUND CORNER
  - SET 1/2" STEEL ROD W/CAP  
MARKED ARCENEUX & GATES
- POC POINT OF COMMENCING  
POB POINT OF BEGINNING

DATE OF SURVEY: DECEMBER 2013



**ARCENEUX & GATES**  
Consulting Engineers, Inc.  
Engineers Surveyors Planners  
3601 Turtle Creek Drive, Suite 102  
Port Arthur, Texas 77642  
(409) 724-7866  
A Burrow Global Company

TEXAS REGISTERED ENGINEERING FIRM F-30  
TEXAS LICENSED SURVEYING FIRM 100142-00

PARCEL PLAT			PAGE
PARCEL 5			4
NORTHWEST PARKWAY			OF
BEAUMONT, JEFFERSON COUNTY, TX			5
DATE: DECEMBER 2013	SCALE: SHOWN	DRAWN: BJB	
PROJ. No.: CAI-040	DESIGN:	CHECKED: RJA	

Parcel Line Table

Line #	Length	Direction
L1	131.77'	N35° 48' 15"W
L2	101.51'	N63° 36' 12"E
L3	131.77'	S35° 48' 15"E
L4	101.51'	S63° 36' 12"W

TRACT 2

Parcel Line Table

Line #	Length	Direction
L1	140.88'	N51° 27' 51"W
L2	151.03'	S51° 39' 24"E
L3	38.58'	S16° 08' 40"W

## Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	114.60'	595.00'	11° 02' 08"	N09° 52' 42"E	114.42'
C2	71.47'	725.00'	05° 38' 52"	S13° 53' 57"W	71.44'

NOTES:

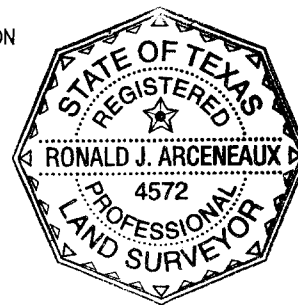
COORDINATES, BEARINGS AND DISTANCES REFERENCED  
TO THE TEXAS STATE PLANE COORDINATE SYSTEM,  
SOUTH CENTRAL ZONE, NAD 83.  
GRID SCALE: 0.999958339

I, RONALD J. ARCENEUX, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4572 IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE PLAT CORRECTLY REFLECTS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE LIMITS, BOUNDARIES AND CORNERS ARE TRULY SHOWN JUST AS FOUND AT THE TIME OF THIS SURVEY.

THIS PLAT IS BEING SUBMITTED ALONG WITH METES AND BOUNDS DESCRIPTION  
OF EVEN DATE BASED ON THIS SURVEY.

GIVEN UNDER MY HAND SEAL THIS THE 19 DAY OF Dec, 2013.

RONALD J. ARCENEUX, RPLS NO. 4572



**ARCENEUX & GATES**  
**Consulting Engineers, Inc.**  
**Engineers Surveyors Planners**

3501 Turtle Creek Drive, Suite 102  
Port Arthur, Texas 77642  
(409) 724-7888

**A Burrow Global Company**

TEXAS REGISTERED ENGINEERING FIRM F-30  
TEXAS LICENSED SURVEYING FIRM 100142-00

PARCEL PLAT

PARCEL 5

NORTHWEST PARKWAY

BEAUMONT, JEFFERSON COUNTY, TX

PAGE

5  
OF  
5

DATE: DECEMBER 2013

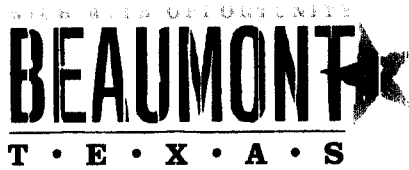
SCALE: SHOWN

DRAWN: BJB

PROJ. No.: CAI-040

DESIGN:

CHECKED: RJA



## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** <sup>29</sup> Patrick Donart, Public Works Director

**MEETING DATE:** April 29, 2014

**REQUESTED ACTION:** Council consider a resolution authorizing the City Manager to execute an Interlocal Agreement with Jefferson County Drainage District No. 6 for the development of the Northwest Parkway Project.

### BACKGROUND

As part of the Northwest Parkway Project, approximately ten (10) parcels of land are being acquired. Jefferson County Drainage District No. 6 has agreed to convey an easement and two (2) encroachment agreements across their land between Major Drive and Dowlen Road, north of Folsom Road to facilitate the project. The easement is identified and described as Parcel #7 a 0.300 acre tract situated in W. B. Dyches Survey, Abstract No. 17. The encroachment agreements involve Parcel # 3 described as a 0.359 acre tract situated in W. B. Dyches Survey, Abstract No. 17 and Parcel #5 described as a 0.303 acre tract situated in W. B. Dyches Survey, Abstract No. 17 (Tract I) and a 0.333 acre tract situated in W. B. Dyches Survey, Abstract No. 17 (Tract II).

As part of the interlocal agreement, the Council will be asked by separate action to convey a 3.5176 acre tract of land to Jefferson County Drainage District No. 6 for a drainage ditch currently being maintained by DD6.

### FUNDING SOURCE

None.

### RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Manager be, and he is hereby, authorized to convey city-owned property described in Exhibit "A," attached hereto, to Jefferson County Drainage District No. 6 for the development of the Northwest Parkway Project.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 29th day of April, 2014.

---

- Mayor Becky Ames -

THE STATE OF TEXAS               X

COUNTY OF JEFFERSON          X

KNOW ALL MEN BY THESE PRESENTS:

THAT, the CITY OF BEAUMONT, a municipal corporation domiciled in the County of Jefferson, State of Texas, hereinafter called GRANTOR for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6, hereinafter called GRANTEE, of the County of Jefferson, State of Texas, whose address is P. O. Box 20078, Beaumont, Texas 77720, all that certain tract or parcel of land in the County of Jefferson, Texas, described in Exhibits "A" and "B", attached hereto and made a part hereof for all purposes (the **"Property"**).

TO HAVE AND TO HOLD the above described premises together with all and singular the rights and appurtenances thereto and in any wise belonging, unto the said GRANTEE and GRANTEE'S successors and assigns, forever; and said GRANTOR binds itself and its successors and assigns to warrant and forever defend all and singular the said premises unto the said GRANTEE and GRANTEE'S successors or assigns, against every person whomsoever

EXHIBIT "A"

lawfully claiming or to claim all or any part of the property, subject to the provisions stated above, when the claim is by, through, or under GRANTOR but not otherwise.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

THE CITY OF BEAUMONT

By: \_\_\_\_\_  
Kyle Hayes, City Manager

ACKNOWLEDGMENT

STATE OF TEXAS                      X

COUNTY OF JEFFERSON            X

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by Kyle Hayes, City Manager of the City of Beaumont, a municipal corporation, on behalf of said City of Beaumont.

\_\_\_\_\_  
Notary Public, State of Texas

RETURN TO: CITY OF BEAUMONT  
Antoinette Hardy  
P. O. Box 3827  
Beaumont, TX 77704



## EXHIBIT "A"

BEING A 3.5176 ACRE TRACT OF LAND SITUATED IN THE W. B. DYCHES SURVEY, ABSTRACT NO. 17, JEFFERSON COUNTY, TEXAS AND BEING OUT OF AND PART OF THE REMAINDER OF THAT CERTAIN CALLED 118.598 ACRE TRACT OF LAND AS DESCRIBED IN A "SPECIAL WARRANTY DEED" FROM AMOCO PRODUCTION COMPANY TO WESTON TRAILS PROPERTY, LTD., AS RECORDED IN CLERK'S FILE NO. 1999023143, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, JEFFERSON COUNTY, TEXAS, SAID 3.5176 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: ALL BEARINGS ARE BASED ON THAT CERTAIN CALLED 15.02 ACRE TRACT OF LAND AS RECORDED IN CLERK'S FILE NO. 2004032108, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, JEFFERSON COUNTY, TEXAS AS SOUTH 86°57'59" WEST. ALL SET 5/8" IRON RODS SET WITH A CAP STAMPED "M. W. WHITELEY & ASSOCIATES".

BEGINNING AT AN IRON ROD WITH A CAP FOUND FOR THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREIN DESCRIBED, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF THAT CERTAIN CALLED 15.02 ACRE TRACT, IDENTIFIED AS TRACT II AS DESCRIBED IN A "SPECIAL WARRANTY DEED" FROM WESTON TRAILS PROPERTY, LTD. TO LYNCH TEXAS POINTE, LLC AS RECORDED IN CLERK'S FILE NO. 2004032108, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, JEFFERSON COUNTY, TEXAS AND SAID CORNER BEING IN THE WEST RIGHT-OF-WAY LINE OF OLD DOWLEN ROAD;

THENCE SOUTH 86°57'59" WEST, FOR THE BOUNDARY BETWEEN THE TRACT HEREIN DESCRIBED AND THE SAID 15.02 ACRE LYNCH TEXAS POINTE, LLC TRACT, THE SAME BEING THE SOUTH LINE OF THE REMAINDER OF THE SAID 118.598 ACRE WESTON TRAILS PROPERTY, LTD. TRACT, FOR A DISTANCE OF 1458.44 FEET TO AN IRON ROD WITH A CAP FOUND FOR CORNER, SAID CORNER BEING THE NORTHWEST CORNER OF THE SAID 15.02 ACRE LYNCH TEXAS POINTE, LLC TRACT AND ALSO BEING IN THE EAST LINE OF THAT CERTAIN CALLED 294.8436 ACRE TRACT OF LAND AS DESCRIBED IN A "SPECIAL WARRANTY DEED" FROM AMOCO PRODUCTION COMPANY TO NORTHWEST BEAUMONT DEVELOPMENT, LTD. AS RECORDED IN CLERK'S FILE NO. 2002000092, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, JEFFERSON COUNTY, TEXAS, THE SAME BEING THE EAST LINE OF THAT CERTAIN CALLED 7.57 ACRE EASEMENT, IDENTIFIES AS TRACT 2-C, ALSO KNOWN AS DITCH 123-A, AS DESCRIBED IN A DEED FROM AMOCO PRODUCTION COMPANY TO JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6 AS RECORDED IN FILM CODE NO. 104-01-0353, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, JEFFERSON COUNTY, TEXAS;

THENCE NORTH 04°05'21" WEST, FOR THE BOUNDARY BETWEEN THE REMAINDER OF THE SAID 118.598 ACRE WESTON TRAILS PROPERTY, LTD. TRACT AND THE SAID 294.8436 ACRE NORTHWEST BEAUMONT DEVELOPMENT, LTD. TRACT, FOR A DISTANCE OF 105.02 FEET TO A 5/8" IRON ROD SET FOR CORNER;

THENCE NORTH 86°57'59" EAST, PARALLEL AND 105.00 FEET PERPENDICULAR TO THE NORTH LINE OF THE SAID 15.02 ACRE LYNCH TEXAS POINTE, LLC TRACT, FOR A DISTANCE OF 1460.14 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID CORNER BEING IN THE EAST LINE OF THE REMAINDER OF THE SAID 118.598 ACRE WESTON TRAILS PROPERTY, LTD. AND THE WEST RIGHT-OF-WAY LINE OF OLD DOWLEN ROAD;

THENCE SOUTH 03°09'50" EAST, ALONG AND WITH THE EAST LINE OF THE REMAINDER OF THE SAID 118.598 ACRE WESTON TRAILS PROPERTY, LTD. AND THE WEST RIGHT-OF-WAY LINE OF OLD DOWLEN ROAD, FOR A DISTANCE OF 105.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.5176 ACRES, MORE OR LESS.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

70' WIDE DD6 DRAINAGE EASEMENT  
CALLED 2.418 ACRES, TRACT 2-1  
CF. NO. 98-9809840  
OPRJIC

W.B. DYCHES SURVEY,  
ABSTRACT NO. 17

REMAINDER OF CALLED 118.598 ACRES  
WESTON TRAILS PROPERTY, LTD.  
CF. NO. 1999023143  
OPRJIC

FND N86°57'59"E 1460.14'

FND 3.5176 ACRES

FND S86°57'59"W 1458.44'  
(CALL S86°57'59"W 1458.37')  
REFERENCE BEARING PER CF. NO. 2004032108, OPRJC

CALLLED 15.02 ACRES  
TRACT II  
LYNCH TEXAS POINTE, LLC.  
CF. NO. 2004032108  
OPRJIC

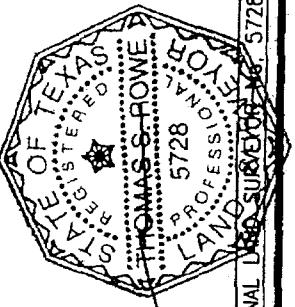
NOTE:  
1. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE  
2. THE WORD CERTIFY IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, FORMED IN THE COURSE OF HIS PERFORMING THE SURVEY IN COMPLIANCE WITH THE STANDARDS OF PRACTICE REQUIRED AND PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS AND THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS. AS SUCH, IT CONSTITUTES NEITHER A GUARANTEE NOR A WARRANTY, EXPRESSED OR IMPLIED.

TO THE OWNERS OF THE PREMISES SURVEYED  
AS OF THE DATE OF THE SURVEY:

I, THOMAS S. ROWE DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE SURFACE OF THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.

DATE SURVEYED: JANUARY 30, 2008  
REVISED: JULY 31, 2008

*[Signature]*



THOMAS S. ROWE - REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5728

LINE	BEARING	DISTANCE
L1	N 04°05'21" W	105.02'
L2	S 03°09'50" E	105.00'

300.00 ACRES  
TRACT I  
JEFFERSON COUNTY DRAINAGE  
DISTRICT NO. 6  
FC. NO. 104-01-0353  
OPRJIC

CALLLED 294.8436 ACRES  
NORTHWEST BEAUMONT  
DEVELOPMENT, LTD.  
CF. NO. 2002000092  
OPRJIC

CALLLED 7.57 ACRE EASEMENT  
TRACT 2-C  
DITCH 123-A  
JEFFERSON COUNTY DRAINAGE  
DISTRICT NO. 6  
FC. NO. 104-01-0353  
OPRJIC

FND 3/4" I. ROD

FND N04°05'21"W 2472.65'

(CALL N04°05'16"W 2676.30')

SET 5/8" I. ROD

FND 1. ROD WITH CAP

FND N04°05'21"W 98.66'  
(CALL N04°05'06"W 98.73')

FND 1. ROD W/ DD6 DISK (BENT)

CALLLED 0.703 ACRES  
G.S.U. SUBSTATION  
VOL. 1651, PG. 451  
DRJC  
FND CSU CONC. MOUN.

FND S03°09'50"E 193.82'

SET 5/8" I. ROD

POB  
FND 1. ROD WITH CAP

(CALL S03°02'01"E 492.02')  
FND S03°02'02"E 492.02'

FND 1. ROD WITH CAP

EXHIBIT "B"  
REFER TO EXHIBIT "A"  
FOR FIELD NOTE DESCRIPTION

CITY OF BEAUMONT	
FILE NO.	07-185
DATE	07-185.DWG
SCALE	1"=200'
SHEET NO.	1 OF 1

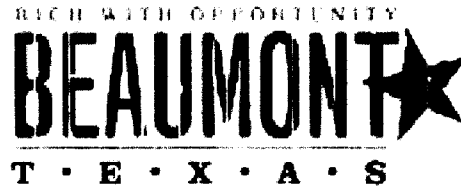
MARK W. WHITELEY  
AND ASSOCIATES  
INCORPORATED  
CONSULTING ENGINEERS,  
SURVEYORS, AND PLANNERS

P. O. BOX 5418  
BEAUMONT, TEXAS 77705-5418  
(409) 898-5418

3.5176 ACRE DRAINAGE EASEMENT  
W.B. DYCHES SURVEY,  
ABSTRACT NO. 17  
BEAUMONT, JEFFERSON  
COUNTY TEXAS

SCALE 1"=200'

OLD DOWLEN ROAD



**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS      APRIL 29, 2014      1:30 P.M.**

**AGENDA**

**CALL TO ORDER**

- \* Invocation                      Pledge                      Roll Call
- \* Presentations and Recognition
- \* Public Comment: Persons may speak on scheduled agenda items 3-5/Consent Agenda
- \* Consent Agenda

**GENERAL BUSINESS**

1. Consider a request for a revised specific use permit to allow an assisted living/memory care facility on property located on the east side of Major Drive, just north of Village Drive
2. Consider a request to abandon a portion of the hike and bike trail parking and access easement at the corner of North Major Drive and Folsom Drive
3. Consider approving a resolution authorizing the City Manager to negotiate and execute a lease with the Beaumont Children's Museum for the use of a designated area of the Beaumont Civic Center
4. Consider approving a resolution authorizing the City Manager to approve a change order to the contract with Allco, Ltd. for the Surface Water Treatment Plant Improvements Phase I Project
5. Consider approving a resolution authorizing a contract for property insurance coverage for various city owned buildings and assets

**PUBLIC HEARING**

- \* Receive comments on the Consolidated Grant Program's 2014 Annual Action Plan
6. Consider approving a resolution adopting the 2014 Annual Action Plan

## **COMMENTS**

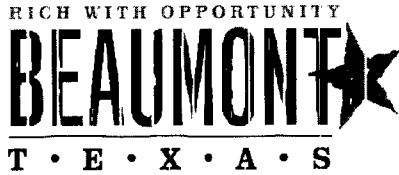
- \* Councilmembers/City Manager comment on various matters
- \* Public Comment (Persons are limited to 3 minutes)

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Mitchell Normand at 880-3777 three days prior to the meeting.

**April 29, 2014**

Consider a request for a revised specific use permit to allow an assisted living/memory care facility on property located on the east side of Major Drive, just north of Village Drive

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** <sup>CSB</sup> Chris Boone, Director of Planning and Community Development

**MEETING DATE:** April 29, 2014

**REQUESTED ACTION:** Council consider a request for a revised specific use permit to allow an assisted living/memory care facility on property located on the east side of Major Drive, just north of Village Drive.

### BACKGROUND

David Krukiel for Three Willows Land Development, LLC and representing Avalon Homes is requesting a revised specific use permit.

In March of 2014, Mr. Krukiel applied for and received a rezoning from A-R (Agricultural Residential) to GC-MD-2 (General Commercial – Multiple Family Dwelling – 2) and a specific use permit for property along the east side of North Major, just north of Village Drive. On March 17<sup>th</sup>, Planning & Zoning Commission recommended approval of the specific use permit with the following conditions:

1. Must seek approval from TxDOT for driveway. (Transportation)
2. Parking shall be provided for staff and visitors only. (Transportation)
3. Must pass Environmental Health Inspections. (Health)
4. Storm water and drainage system shall be designed for a 100 year flood frequency with final design being approved by the owner.
5. The detention pond shall be maintained by the owner.
6. Provision for an 8' wooden privacy fence where the property abuts residentially zoned property.

The site plan showed a 30 foot landscaped buffer along the east and south edges of the property. On March 25<sup>th</sup>, Council approved the rezoning and specific use permit, but added the following condition:

7. **Maintain a 50' wide landscaped buffer along the east property line.**

In addition, discussion was made of a 50' wide landscaped buffer along the south property line as well, but was not made a requirement.

The applicant maintains that the development will not be possible with a 50' wide landscaped buffer along the east or south property lines. They state that the increased buffer would not leave enough room for the needed structures, storm water, parking and landscaping.

Staff believes this facility would provide a much needed buffer to existing single family development to the east and future commercial development fronting on Major Drive.

At a Joint Public Hearing held April 21, 2014, the Planning Commission recommended 4:1:1 to approve a revised specific use permit to allow an assisted living/memory care facility on property located on the east side of Major Drive, just north of Village Drive subject to the following conditions:

1. Must seek approval from TxDOT for driveway. (Transportation)
2. Parking shall be provided for staff and visitors only. (Transportation)
3. Must pass Environmental Health inspections. (Health)
4. Storm water and drainage system shall be designed for a 100 year flood frequency with final design being approved by the City and TxDOT.
5. The detention pond shall be maintained by the owner.
6. Provision for an 8' wooden privacy fence where the property abuts residentially zoned property.

#### **FUNDING SOURCE**

Not applicable.

#### **RECOMMENDATION**

Approval of ordinance subject to the following conditions:

1. Must seek approval from TxDOT for driveway. (Transportation)
2. Parking shall be provided for staff and visitors only. (Transportation)
3. Must pass Environmental Health inspections. (Health)
4. Storm water and drainage system shall be designed for a 100 year flood frequency with final design being approved by the City and TxDOT.
5. The detention pond shall be maintained by the owner.
6. Provision for an 8' wooden privacy fence where the property abuts residentially zoned property.



COLDWELL BANKER COMMERCIAL  
**ARNOLD AND ASSOCIATES**

One Acadiana Court  
Beaumont, TX 77706

BUS (409) 833-5055  
FAX (409) 833-5125  
[www.cbcaaa.com](http://www.cbcaaa.com)

April 4, 2014

Mr. Chris Boone  
Director of Planning and Community Development  
City of Beaumont  
801 Main Street, Ste. 201  
Beaumont, TX 77001

RE: SPECIFIC USE PERMIT FOR A MEMORY LOSS CENTER  
MAJOR DRIVE

Dear Chris,

I apologize, that I do not have an identifying number for the project referenced above, but this is the 4+ acre tract on Major Dr. that would provide a long-term memory loss center. The applicant, Avalon, was approved by the Planning and Zoning Commission last month to receive a SUP based on the criteria submitted by the Applicant. I am attaching those drawings and information for your review and consideration.

After the Public Hearing during the P&Z meeting, the Council had to vote for final approval of the SUP at their weekly Council meeting. During that meeting, a member added a requirement for an additional 20' setback on the east side. This is in addition to the 30' setback already approved by P&Z. Council voted and accepted the SUP with a 50' easement on the east side.

This 50' setback from the east side significantly alters the project. With the 1 acre detention pond required for drainage, 30' setback on both the east and south sides, as well as a street-quality driveway required to allow for signage and traffic, this developer will lose 48% of his entire acreage to these requirements. The loss of this additional acreage (over 0.33 acres or 14,400 sf) simply is too much and makes the project not feasible. In addition to the economics of this developer, it causes the front property to lose value as it will not have enough depth for future developments.

I truly believe that the residents of this area value this type of development and are not opposed to the project. As you can see from the attached documentation, these are single story homes that are built to assist residents in a home-like atmosphere with personal attention given to each resident.



Mr. Chris Boone  
April 4, 2014  
Page 2

On behalf of the Seller and the Purchaser, I respectfully request that this item be placed on the April calendar for the Planning and Zoning Commission to review. This would allow for nearby homeowners to speak openly about the development and express any concerns they may have. The developer or I will be on the audience to address issues and offer explanations regarding the proposed facility.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheri Arnold". The signature is fluid and cursive, with a large initial "S" and a stylized "A".

Sheri Arnold, CCIM  
Broker

ORDINANCE NO.

ENTITLED AN ORDINANCE ISSUING AN AMENDED SPECIFIC USE PERMIT TO ALLOW AN ASSISTED LIVING/MEMORY CARE FACILITY IN A GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT ON PROPERTY LOCATED ON THE EAST SIDE OF MAJOR DRIVE, JUST NORTH OF VILLAGE DRIVE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, on March 25, 2014, the City Council of the City of Beaumont, Texas passed Ordinance No. 14-012 issuing a specific use permit to Three Willows Land Development, LLC and Avalon Homes to allow an assisted living/memory care facility in a GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District on property located on the East side of Major Drive, just North of Village Drive, Beaumont, Jefferson County, Texas, subject to the following conditions:

- Must seek approval from TxDOT for driveway.
- Parking shall be provided for staff and visitors only.
- Must pass Environmental Health inspections.
- Storm water and drainage system shall be designed for a 100 year flood frequency with final design being approved by the City and TxDOT.
- The detention pond shall be maintained by the owner.
- Provision for an 8' wooden privacy fence where the property abuts residentially zoned property.
- Provide and maintain a 50' landscape buffer area along the east property line;

and,

WHEREAS, Three Willows Land Development, LLC and Avalon Homes wish to amend the specific use permit allowing an assisted living/memory care facility in a GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District by eliminating the condition to maintain a 50' wide landscaped buffer along the East property line on property located on the East side of Major Drive, just North of Village Drive, being the East 250 feet out of Tract 82-A, SP-1, H. Williams Survey, Abstract 56, and a 50 foot wide driveway to Major Drive,

Beaumont, Jefferson County, Texas, containing 4.51 acres, more or less, as shown on Exhibit "A," attached hereto and made a part hereof for all purposes; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request to amend the specific use permit allowing an assisted living/memory care facility in a GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District by eliminating the condition to maintain a 50' wide landscaped buffer along the east property line on property located on the East side of Major Drive, just North of Village Drive as reflected in the site plan as shown on Exhibit "B," attached hereto and made a part hereof for all purposes; and,

WHEREAS, the City Council is of the opinion that the amendment of such specific use permit is in the best interest of the City of Beaumont and its citizens, subject to the following conditions;

- Must seek approval from TxDOT for driveway.
- Parking shall be provided for staff and visitors only.
- Must pass Environmental Health inspections.
- Storm water and drainage system shall be designed for a 100 year flood frequency with final design being approved by the City and TxDOT.
- The detention pond shall be maintained by the owner.
- Provision for an 8' wooden privacy fence where the property abuts residentially zoned property.

NOW, THEREFORE, BE IT ORDAINED BY THE

CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

Section 1.

That Ordinance No. 14-012 be amended by amending the specific use permit granted to Three Willows Land Development, LLC and Avalon Homes, their legal

representatives, successors, and assigns for that certain tract shown on Exhibit "A," attached hereto and made a part hereof for all purposes, to allow an assisted living/memory care facility in a GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District by eliminating the condition to maintain a 50' wide landscaped buffer along the east property line on property located on the East side of Major Drive, just North of Village Drive as reflected in the site plan attached hereto as Exhibit "B," subject to the following conditions:

- Must seek approval from TxDOT for driveway.
- Parking shall be provided for staff and visitors only.
- Must pass Environmental Health inspections.
- Storm water and drainage system shall be designed for a 100 year flood frequency with final design being approved by the City and TxDOT.
- The detention pond shall be maintained by the owner.
- Provision for an 8' wooden privacy fence where the property abuts residentially zoned property.

#### Section 2.

Notwithstanding the site plan attached hereto as Exhibit "B," the use of the property herein above described shall be in all other respects, subject to all of the applicable regulations contained in Ordinance No. 14-012 and the regulations contained in Chapter 28 of the Code of Ordinances of the City of Beaumont, Texas, as amended, as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 29th day of April, 2014.

---

- Mayor Becky Ames -

**File 2196-Z/P:** Request for a revised specific use permit to allow an assisted living/memory care facility.

**Location:** East side of North Major, just North of Village Drive

**Applicant:** David Krukiel, Three Willows Land Development, LLC

0 100 200  
Feet

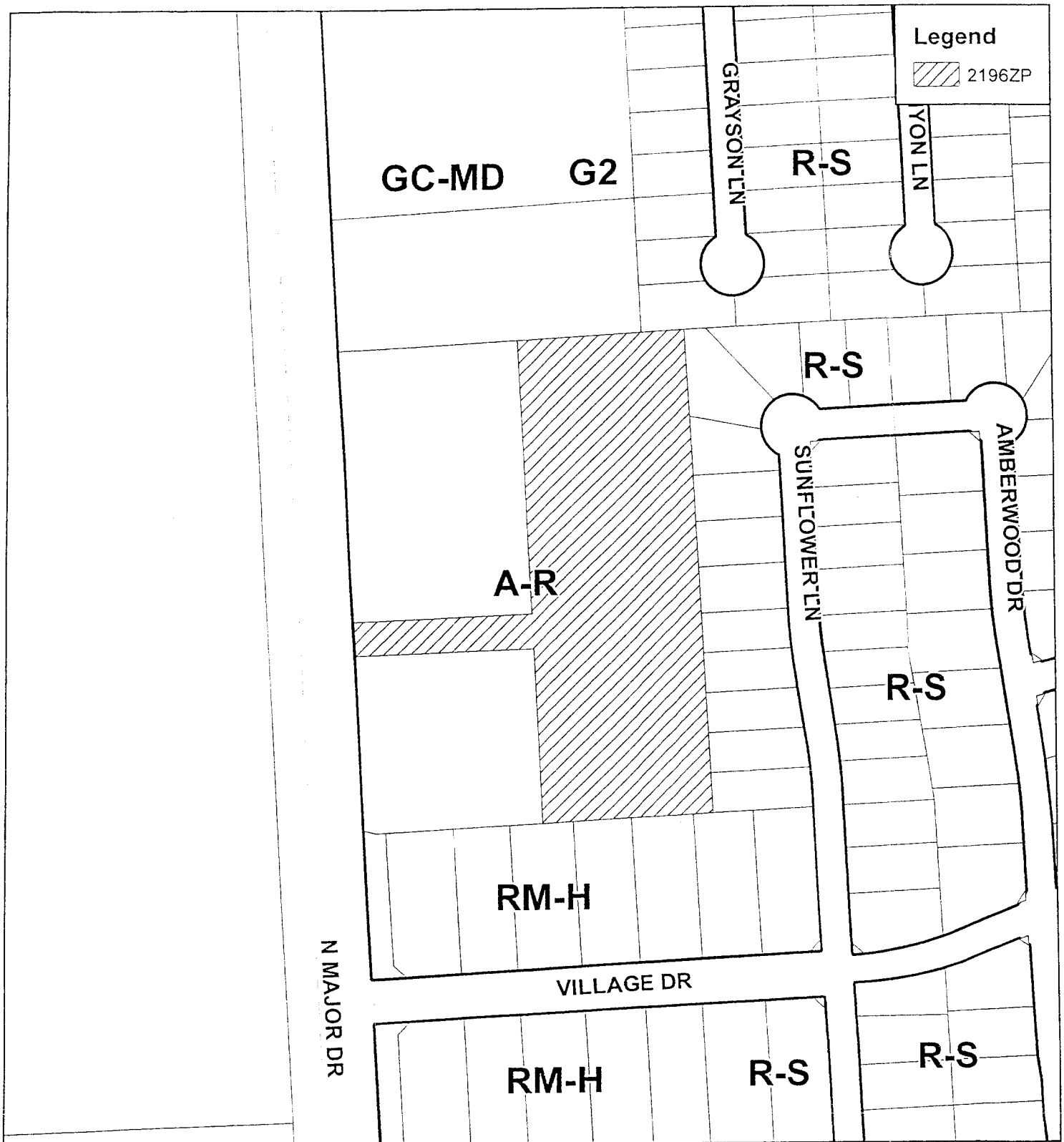
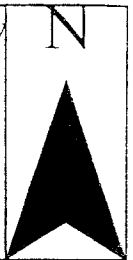
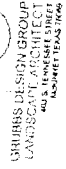


EXHIBIT "A"



LANDSCAPE CALCULATIONS	
PERCENT INVENTORY AND SCREENING REQUIREMENTS	
NO LANDSCAPE BUFFER ADJACENT TO RESIDENTIAL	
11 CLASSES A TREES ON 12' CLASS B TREES PER 15' OF BUFFER	
NORTH PROPERTY BUFFER ADJACENT TO RESIDENTIAL	64 L.P.
CLASH A TREES REQUIRED $160 / 10 = 16$ A.U.	1 TREES
CLASS A TREES PROVIDED 12' CAL.	7 TREES
EAST PROPERTY BUFFER ADJACENT TO RESIDENTIAL	100 L.P.
CLASH A TREES REQUIRED $1250 / 10 = 125$ A.U.	10 TREES
CLASS A TREES PROVIDED 12' CAL.	21 TREES
CLASH B TREES PROVIDED 11' CAL. PER TRUNK	30 TREES
32 CLASS B TREES + 11' CLASS A TREES	30 TREES
TOTAL TREES PROVIDED	12 TREES
SOUTH PROPERTY BUFFER ADJACENT TO RESIDENTIAL	220 L.P.
CLASH A TREES REQUIRED $1020 / 10 = 102$ A.U.	22 TREES
CLASH B TREES PROVIDED 12' CAL.	20 TREES
CLASH B TREES PROVIDED 11' CAL. PER TRUNK	14 TREES
14 CLASS B TREES + 1 CLASS A TREES	32 TREES
TOTAL TREES PROVIDED	

1. Must seek approval from TxDOT for driveway.
2. Parking shall be provided for staff and visitors only.
3. Must pass Environmental Health inspections.
4. Storm water and drainage system shall be designed for a 100 year flood frequency with final design being approved by the City and TxDOT.
5. The detention pond shall be maintained by the owner.
6. Provision for an 8' wooden privacy fence where the property abuts residentially zoned property.

April 29, 2014

Consider a request to abandon a portion of the hike and bike trail parking and access easement at the corner of North Major Drive and Folsom Drive

---



## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** <sup>CB</sup> Chris Boone, Director of Planning and Community Development

**MEETING DATE:** April 29, 2014

**REQUESTED ACTION:** Council consider a request to abandon a portion of the hike and bike trail parking and access easement at the corner of North Major Drive and Folsom Drive.

### BACKGROUND

Drainage District No. 6 is requesting the abandonment of an access easement.

Drainage District No. 6 granted a Hike and Bike Trail Parking and Access Easement to the City of Beaumont in March of 2012. Since the easement was granted, plans have changed and easements have been granted to accommodate the new plans. The portion of the easement in question is no longer needed. Drainage District No. 6 is requesting the city abandon that portion which is no longer needed.

At a Joint Public Hearing held April 21, 2014, the Planning Commission recommended approval of the abandonment of a portion of the easement at the corner of North Major Drive and Folsom Drive.

### FUNDING SOURCE

Not applicable.

### RECOMMENDATION

Approval of ordinance.



**APPLICATION FOR RIGHT-OF-WAY  
OR UTILITY EASEMENT ABANDONMENT  
CITY OF BEAUMONT, TEXAS**

THIS IS AN APPLICATION TO ABANDON A: RIGHT-OF-WAY (ROW), UTILITY EASEMENT (UE)  
OR RIGHT-OF-WAY BUT RETAIN UTILITY EASEMENT.

NAME OF APPLICANT: Doug Canant PHONE: 409-842-1818 FAX: 409-842-2729

AUTHORITY OF APPLICANT: District Engineer

NAME OF OWNER: Jefferson County Drainage District No. 6

ADDRESS: 6550 Walden Rd. PHONE: 409-842-1818 FAX: 409-842-2729

ALL OWNERS ABUTTING THE ROW OR UE MUST SIGN WRITTEN REQUEST.  
(PLEASE ATTACH PROPERTY OWNER'S LIST TO THE APPLICATION)

DESCRIPTION OF ROW OR UE TO BE ABANDONED: Jefferson County Real Property <sup>SP-1</sup> TR 72-C  
Rewards File 201301452 ; 201301451 H. Williams ABS. 56

PRESENT USE OF ROW OR UE (LIST UTILITIES IF PRESENT) None - future Hike and  
Bike trail.

ATTACH A LETTER STATING THE REASONS FOR THE ABANDONMENT.

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. \_\_\_\_\_

OR

TRACT

BLOCK NO. \_\_\_\_\_

PLAT

ADDITION \_\_\_\_\_

SURVEY

Files

201301452

72-C

201301451

SP-1

H Williams A-56

ATTACH A MAP OR PLAT DELINEATING THE PUBLIC ROW OR UE TO BE ABANDONED AND THE LEGAL DESCRIPTION OF ADJACENT PROPERTY (DIMENSIONED AND TO ENGINEERING SCALE).

ATTACH THE \$300.00 APPLICATION FEE, THE ACTUAL COST OF NECESSARY APPRAISALS AND TITLE COMMITMENTS. IF PROPERTY IS ABANDONED, APPRAISED VALUE OF THE FEE INTEREST IN THE PROPERTY SHALL BE CHARGED.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS TRUE AND CORRECT.

SIGNATURE OF APPLICANT: Doug Canant

DATE: 3/6/14

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 205  
CITY HALL, 801 MAIN STREET  
BEAUMONT, TX 77701  
P.O. BOX 3827 77704  
(409) 880-3764 FAX (409) 880-3133

FILE NUMBER: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

RECEIPT NUMBER: \_\_\_\_\_

Jefferson County  
**Drainage District No. 6**  
P.O. Box 20078  
6550 Walden Rd. • Beaumont, Texas 77720-0078  
Telephone (409) 842-1818  
Fax (409) 842-2729  
Established in 1920

*Board of Directors*

Joshua W. Allen, Sr.  
James D. McNicholas  
William F. Miranda  
Charles "Chuck" Guillory  
Miriam K. Johnson

Richard P. LeBlanc, Jr.  
*General Manager*

Jim Broussard  
*Asst. General Manager  
Operations*

Betty S. Holman  
*Asst. General Manager  
Administration*

March 6, 2014

**Via E-mail Transmission: [award@ci.beaumont.tx.us](mailto:award@ci.beaumont.tx.us)**

Ms. Adina Ward  
Floodplain Administrator - City of Beaumont  
P.O. Box 3827  
Beaumont, Texas 77704

**Re: Abandonment of Hike & Bike Trail Phase II Easements**

Dear Adina:

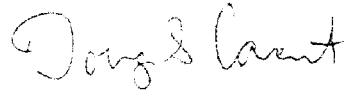
Per our conversation with Chris Boone this morning, attached is an Application For Right-of-Way Abandonment. The reason for the requested abandonment is that the route of the Hike & Bike Trail (Phase II) has significantly changed. The Hike & Bike Trail Project is planned to begin construction starting in June of this year. There are no other easements or utility companies affected by this abandonment.

Replacement easements have already prepared for the new route and they will be considered by the City and Drainage District No. 6 in the near future. This is all part of an Interlocal Agreement whereby the City of Beaumont is going to construct a hike and bike trail on Drainage District No. 6 property.

As a reminder, adjacent landowners and other utilities companies will not be notified as part of the application process.

Finally, please send me the resulting City ordinance which finalizes this abandonment.

Yours truly,



Doug S. Canant, P.E., R.P.L.S., C.F.M.  
District Engineer

DC/pa

Cc: Patrick Donart, P.E. - Public Works Director, City of Beaumont ([pdonart@ci.beaumont.tx.us](mailto:pdonart@ci.beaumont.tx.us))  
Joe Majdalani, P. E., City Engineer, City of Beaumont ([jmajdalani@ci.beaumont.tx.us](mailto:jmajdalani@ci.beaumont.tx.us))  
Antoinette Hardy - Real Property Coordinator, City of Beaumont ([ahardy@ci.beaumont.tx.us](mailto:ahardy@ci.beaumont.tx.us))  
DD6 Main File  
Candy Melancon - DD6 Right-of-Way Agent

**HIKE AND BIKE TRAIL PARKING AND ACCESS EASEMENT**

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF JEFFERSON

§

THAT JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6, hereafter called GRANTOR, and for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), in hand paid by the CITY OF BEAUMONT, the receipt of which is hereby acknowledged by GRANTOR, and upon the further consideration of the benefits that will accrue to the lands owned by the GRANTOR adjoining the land hereinafter described, and upon the further considerations hereinafter stated, does hereby GRANT and CONVEY unto the CITY OF BEAUMONT hereinafter called GRANTEE, whose mailing address is P.O. Box 3827, Beaumont, Texas 77704, its successors and assigns, a perpetual right-of-way, privilege and easement on, under and across those tracts or parcels of land (the Easement Tracts) situated in Jefferson County, Texas, more particularly described as follows, to-wit:

BEING a 4.438-acre tract of land and a 0.2752-acre tract of land out of the H. Williams Survey, Beaumont, Jefferson County, Texas, and also being out of that certain tract of land conveyed to Jefferson County Drainage District No. 6, and recorded in the Real Property Records, Film File 104-01-0353, and being called 300.0 acres; said 4.438-acre tract and 0.2752-acre tract being more particularly described on Exhibit A attached hereto and incorporated herein by reference.

Giving and Granting to the said GRANTEE, its successors and assigns, the right and authority to go upon the Easement Tracts hereinbefore described and use same as a public Hike and Bike Trail access and parking area, to improve the Easement Tracts subject to GRANTOR's drainage purposes, and giving said GRANTEE the right and privilege to improve, maintain and operate the same as permitted by law and giving unto said GRANTEE the right and privilege to trim, cut, and remove therefrom, all trees, underbrush, obstructions, or other surface vegetation or structures or obstacles within the limits of said Easement Tracts.

This instrument was prepared from information furnished by the parties and no examination has been made and no opinion has been given by the firm preparing this instrument as to the title to or the description of the property involved.

**TO HAVE AND TO HOLD** the above described Easement Tracts and right-of-way unto the said CITY OF BEAUMONT, its successors and assigns perpetually, so long as it shall be used for the purpose of a public Hike and Bike Trail parking area and access and no longer. Immediately upon cessation of its use for said purposes by GRANTEE, its successors or assigns, then all rights granted herein shall terminate forthwith, and shall revert to GRANTOR, its/their heirs, administrators, legal representatives, successors or assigns.

WITNESS the execution hereof on this 26 day of March, 2013.

GRANTOR:

BY: [Signature]

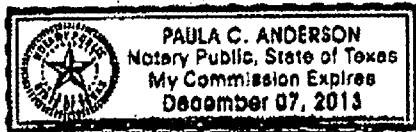
Printed Name: JOSHUA W. ALLEN SR.  
President, Board of Directors  
Jefferson County Drainage District No. 6

THE STATE OF TEXAS

§  
§  
§

COUNTY OF JEFFERSON

This instrument was acknowledged before me on the 26<sup>th</sup> day of March, 2013, by Joshua W. Allen Sr., President of the Board of Directors for the Jefferson County Drainage District No. 6.



[Signature]  
Notary Public, State of Texas

GRANTEE:

BY: LL

Printed Name: Kyle Hayes  
Title: City Manager

THE STATE OF TEXAS

§  
§  
§

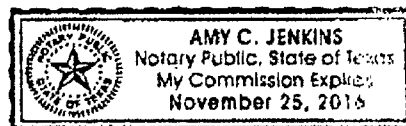
COUNTY OF JEFFERSON

This instrument was acknowledged before me on the 18 day of April, 2013, by Kyle Hayes, the City Manager for the City of Beaumont.

[Signature]  
Notary Public, State of Texas

**After Recording Return To:**

Richard P. LeBlanc, Jr., General Manager  
Jefferson County Drainage District No. 6  
P.O. Box 20078, Beaumont, Texas 77720  
DC/pa



ORDINANCE NO.

ENTITLED AN ORDINANCE VACATING AND ABANDONING  
A PORTION OF THE HIKE AND BIKE TRAIL AND PARKING  
AND ACCESS EASEMENTS AT THE CORNER OF NORTH  
MAJOR DRIVE AND FOLSOM DRIVE, BEAUMONT,  
JEFFERSON COUNTY, TEXAS.

WHEREAS, Jefferson County Drainage District No. 6 granted Hike and Bike Trail  
and Parking and Access easements to the City of Beaumont on April 16, 2013; and,

WHEREAS, since the granting of the easements, the Hike and Bike Trail plans have  
changed; and,

WHEREAS, Drainage District No. 6 has applied for an abandonment of a portion  
of the Hike and Bike Trail and Parking and Access easements at the corner of North Major  
Drive and Folsom Drive, being Tract 72-C, Plat SP-1, H. Williams Survey, Abstract A-56,  
Beaumont, Jefferson County, Texas, containing 4.77 acres, more or less, as described in  
Exhibit "A" and shown on Exhibit "B," attached hereto; and,

WHEREAS, the City Council has considered the purpose of said abandonment and  
is of the opinion that since the granting of the easements, the plans have changed and the  
Hike and Bike Trail and Parking and Access easements are no longer necessary for the  
original purposes and the abandonment of said easements are in the best interest of the  
City and should be granted;

NOW, THEREFORE, BE IT ORDAINED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in  
all things, approved and adopted; and,

THAT a portion of the Hike and Bike Trail and Parking and Access easements at

the corner of North Major Drive and Folsom Drive, being Tract 72-C, Plat SP-1, H. Williams Survey, Abstract A-56, Beaumont, Jefferson County, Texas, containing 4.77 acres, more or less, as described in Exhibit "A" and shown on Exhibit "B," attached hereto, be and the same are hereby vacated and abandoned and that title to such property shall revert to and become the property of Jefferson County Drainage District No. 6.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 29th day of April, 2014.

---

- Mayor Becky Ames -

**4.438 ACRES OF LAND  
FOR PUBLIC USED HIKE & BIKE TRAIL  
OUT THE  
H. WILLIAMS SURVEY, ABSTRACT NO. 56  
CITY OF BEAUMONT,  
JEFFERSON COUNTY, TEXAS**

BEING 4.438 acres of land for public used Hike & Bike Trail out of and a part of the H. Williams Survey, Abstract No. 56, City of Beaumont, Jefferson County, Texas; also being within a (Called 300.0) acre tract of land known as Tract 1 conveyed to Jefferson County Drainage District No. 6, recorded in Film Code 104-01-0353, Official Public Records, Jefferson County, Texas; the centerline of said 4.438 acre tract being more fully described by bearings and distances as follows, to wit:

**COMMENCING** at 5/8" steel rod found on the intersection of the South right of way line of a dedicated road named Folsom Drive and the East right of way line of a dedicated road named Major Drive; said 5/8" steel rod being the Northwest corner of the (Called 300.0) acre tract; having a State Plane Coordinate of N: 13984188.36 E: 3488936.03;

**THENCE**, North 87 deg., 01 min., 19 sec., East, on the South right of way line of said Folsom Drive, same being the North line of the (Called 300.0) acre tract, a distance of 575.83' to the **POINT OF BEGINNING** of the herein described centerline; having a State Plane Coordinate of N: 13984218.28, E: 3489511.08;

**THENCE**, on the arc of a curve to the left having a radius of 50.00', an arc length of 28.32', a chord bearing of South 78 deg., 45 min., 06 sec., East, a chord distance of 27.94' to a point;

**THENCE**, North 87 deg., 11 min., 28 sec., East, a distance of 390.86' to a point;

**THENCE**, on the arc of a curve to the right having a radius of 140.00', an arc length of 80.74', a chord bearing of South 76 deg., 17 min., 17 sec., East, a chord distance of 79.62' to a point;

**THENCE**, South 59 deg., 46 min., 03 sec., East, a distance of 107.72' to a point;

**THENCE**, on the arc of a curve to the left having a radius of 200.00', an arc length of 41.35', a chord bearing of South 65 deg., 41 min., 24 sec., East, a chord distance of 41.27' to a point;

**THENCE**, South 71 deg., 36 min., 45 sec., East, a distance of 60.50' to a point;

**THENCE**, on the arc of a curve to the left having a radius of 200.00', an arc length of 24.32', a chord bearing of South 75 deg., 05 min., 44 sec., East, a chord distance of 24.30' to a point;

**THENCE**, South 78 deg., 34 min., 44 sec., East, a distance of 435.75' to a point;

**THENCE**, on the arc of a curve to the right having a radius of 350.00', an arc length of 118.51', a chord bearing of South 68 deg., 52 min., 42 sec., East, a chord distance of 117.95' to a point;

**Exhibit "A"**

**Page 1 of 9**

Hike and Bike Trail  
Parking and Access Easement

THENCE, South 59 deg., 10 min., 40 sec., East, a distance of 216.38' to a point;

THENCE, on the arc of a curve to the left having a radius of 90.00', an arc length of 96.86', a chord bearing of North 89 deg., 59 min., 30 sec., East, a chord distance of 92.25' to a point;

THENCE, North 59 deg., 09 min., 39 sec., East, a distance of 121.49' to a point;

THENCE, on the arc of a curve to the right having a radius of 50.00', an arc length of 16.93', a chord bearing of North 68 deg., 51 min., 42 sec., East, a chord distance of 16.85' to a point;

THENCE, on the arc of a curve to the left having a radius of 50.00', an arc length of 18.59', a chord bearing of North 67 deg., 54 min., 40 sec., East, a chord distance of 18.48' to a point;

THENCE, North 57 deg., 15 min., 35 sec., East, a distance of 17.17' to a point;

THENCE, on the arc of a curve to the left having a radius of 50.00', an arc length of 14.44', a chord bearing of North 48 deg., 59 min., 11 sec., East, a chord distance of 14.39' to a point;

THENCE, on the arc of a curve to the right having a radius of 50.00', an arc length of 14.78', a chord bearing of North 49 deg., 10 min., 56 sec., East, a chord distance of 14.73' to a point;

THENCE, North 57 deg., 39 min., 04 sec., East, a distance of 46.91' to a point;

THENCE, on the arc of a curve to the right having a radius of 90.00', an arc length of 51.39', a chord bearing of North 74 deg., 00 min., 36 sec., East, a chord distance of 50.70' to a point;

THENCE, South 89 deg., 37 min., 53 sec., East, a distance of 519.28' to a point;

THENCE, on the arc of a curve to the right having a radius of 70.00', an arc length of 115.36', a chord bearing of South 42 deg., 25 min., 06 sec., East, a chord distance of 102.74' to a point;

THENCE, South 04 deg., 47 min., 41 sec., West, a distance of 125.77' to a point;

THENCE, South 08 deg., 41 min., 07 sec., West, a distance of 411.70' to a point;

THENCE, on the arc of a curve to the left having a radius of 60.00', an arc length of 76.31', a chord bearing of South 27 deg., 44 min., 59 sec., East, a chord distance of 71.27' to a point;

THENCE, South 64 deg., 11 min., 05 sec., East, a distance of 7.57' to a point;

THENCE, on the arc of a curve to the left having a radius of 50.00', an arc length of 14.63', a chord bearing of South 72 deg., 34 min., 01 sec., East, a chord distance of 14.58' to a point;

**Exhibit "A"**

**Page 2 of 9**

Hike and Bike Trail



THENCE, on the arc of a curve to the right having a radius of 50.00', an arc length of 28.57', a chord bearing of South 64 deg., 34 min., 54 sec., East, a chord distance of 28.18' to a point;

THENCE, on the arc of a curve to the right having a radius of 129.50', an arc length of 58.00', a chord bearing of South 35 deg., 22 min., 58 sec., East, a chord distance of 57.52' to a point;

THENCE, South 21 deg., 41 min., 58 sec., East, a distance of 91.04' to a point;

THENCE, on the arc of a curve to the left having a radius of 385.00', an arc length of 293.13', a chord bearing of South 43 deg., 30 min., 40 sec., East, a chord distance of 286.10' to a point;

THENCE, South 65 deg., 19 min., 22 sec., East, a distance of 290.62' to a point;

THENCE, on the arc of a curve to the left having a radius of 25.00', an arc length of 45.64', a chord bearing of North 62 deg., 22 min., 40 sec., East, a chord distance of 39.56' to a point;

THENCE, North 10 deg., 04 min., 41 sec., East, a distance of 203.42' to a point;

THENCE, on the arc of a curve to the right having a radius of 132.00', an arc length of 175.52', a chord bearing of North 48 deg., 10 min., 14 sec., East, a chord distance of 162.87' to a point;

THENCE, North 86 deg., 15 min., 47 sec., East, a distance of 198.33' to a point;

THENCE, North 87 deg., 54 min., 39 sec., East, a distance of 139.68' to a point;

THENCE, on the arc of a curve to the right having a radius of 50.00', an arc length of 12.56', a chord bearing of South 84 deg., 53 min., 36 sec., East, a chord distance of 12.53' to a point;

THENCE, on the arc of a curve to the left having a radius of 50.00', an arc length of 13.37', a chord bearing of South 85 deg., 21 min., 39 sec., East, a chord distance of 13.33' to a point;

THENCE, North 86 deg., 58 min., 33 sec., East, a distance of 21.17' to a point;

THENCE, on the arc of a curve to the left having a radius of 50.00', an arc length of 11.94', a chord bearing of North 80 deg., 08 min., 06 sec., East, a chord distance of 11.91' to a point;

THENCE, on the arc of a curve to the right having a radius of 50.00', an arc length of 11.89', a chord bearing of North 80 deg., 06 min., 17 sec., East, a chord distance of 11.86' to a point;

THENCE, North 86 deg., 54 min., 54 sec., East, a distance of 373.09' to a point;

**Exhibit "A"**

**Page 3 of 9**

Hike and Bike Trail  
Parking and Access Easement

THENCE, on the arc of a curve to the left having a radius of 43.00', an arc length of 67.34', a chord bearing of North 42 deg., 03 min., 08 sec., East, a chord distance of 60.67' to a point;

THENCE, North 02 deg., 48 min., 38 sec., West, a distance of 386.05' to a point;

THENCE, on the arc of a curve to the left having a radius of 30.00', an arc length of 46.50', a chord bearing of North 47 deg., 13 min., 01 sec., West, a chord distance of 41.98' to a point;

THENCE, South 88 deg., 22 min., 36 sec., West, a distance of 28.16' to a point;

THENCE, on the arc of a curve to the right having a radius of 50.00', an arc length of 23.91', a chord bearing of North 77 deg., 55 min., 32 sec., West, a chord distance of 23.68' to a point;

THENCE, on the arc of a curve to the left having a radius of 25.00', an arc length of 12.73', a chord bearing of North 78 deg., 49 min., 04 sec., West, a chord distance of 12.60' to a point;

THENCE, South 86 deg., 35 min., 31 West, a distance of 14.68' to a point;

THENCE, on the arc of a curve to the left having a radius of 25.00', an arc length of 12.11', a chord bearing of South 72 deg., 42 min., 55 sec., West, a chord distance of 11.99' to a point;

THENCE, on the arc of a curve to the right having a radius of 50.00', an arc length of 23.93', a chord bearing of South 72 deg., 32 min., 49 sec., West, a chord distance of 23.70' to a point;

THENCE, South 86 deg., 15 min., 20 sec., West, a distance of 128.15' to a point;

THENCE, on the arc of a curve to the right having a radius of 90.00', an arc length of 144.19', a chord bearing of North 47 deg., 50 min., 55 sec., West, a chord distance of 129.25' to a point;

THENCE, North 01 deg., 57 min., 11 sec., West, a distance of 407.59' to a point;

THENCE, on the arc of a curve to the right having a radius of 150.00', an arc length of 63.80', a chord bearing of North 10 deg., 13 min., 53 sec., East, a chord distance of 63.32' to a point;

THENCE, North 22 deg., 24 min., 57 sec., East, a distance of 99.35' to a point;

THENCE, on the arc of a curve to the right having a radius of 90.00', an arc length of 101.08', a chord bearing of North 54 deg., 35 min., 22 sec., East, a chord distance of 95.85' to a point;

THENCE, North 86 deg., 45 min., 47 sec., East, a distance of 42.61' to a point;

**Exhibit "A"**

**Page 4 of 9**

Hike and Bike Trail  
Parking and Access Easement

**THENCE**, on the arc of a curve to the right having a radius of 50.00', an arc length of 14.80', a chord bearing of South 84 deg., 45 min., 27 sec., East, a chord distance of 14.75' to a point;

**THENCE**, on the arc of a curve to the left having a radius of 50.00', an arc length of 14.80', a chord bearing of South 84 deg., 45 min., 27 sec., East, a chord distance of 14.75' to a point;

**THENCE**, North 86 deg., 45 min., 47 sec., East, a distance of 14.89' to a point;

**THENCE**, on the arc of a curve to the left having a radius of 50.00', an arc length of 14.69', a chord bearing of North 78 deg., 20 min., 55 sec., East, a chord distance of 14.63' to a point;

**THENCE**, on the arc of a curve to the right having a radius of 50.00', an arc length of 15.74', a chord bearing of North 78 deg., 57 min., 02 sec., East, a chord distance of 15.67' to a point;

**THENCE**, North 87 deg., 58 min., 03 sec., East, a distance of 124.44' to a point;

**THENCE**, on the arc of a curve to the right having a radius of 26.00', an arc length of 62.97', a chord bearing of South 22 deg., 38 min., 50 sec., East, a chord distance of 48.67' to a point;

**THENCE**, South 46 deg., 44 min., 16 sec., West, a distance of 282.44' to a point;

**THENCE**, on the arc of a curve to the left having a radius of 100.00', an arc length of 111.64', a chord bearing of South 14 deg., 45 min., 15 sec., West, a chord distance of 105.95' to a point;

**THENCE**, on the arc of a curve to the right having a radius of 50.00', an arc of length of 5.33', a chord bearing of South 14 deg., 10 min., 25 sec., East, a chord distance of 5.33' to a point;

**THENCE**, on the arc of a curve to the left having a radius of 35.00', an arc length of 58.21', a chord bearing of South 58 deg., 45 min., 45 sec., East, a chord distance of 51.73' to a point;

**THENCE**, on the arc of a curve to the right having a radius of 50.00', an arc length of 11.71', a chord bearing of North 80 deg., 18 min., 08 sec., East, a chord distance of 11.68' to a point;

**THENCE**, North 87 deg., 00 min., 42 sec., East, a distance of 585.55' to a point;

**THENCE**, on the arc of a curve to the left having a radius of 90.00', an arc length of 54.90', a chord bearing of North 69 deg., 32 min., 16 sec., East, a chord distance of 54.05' to a point;

**THENCE**, North 52 deg., 03 min., 50 sec., East, a distance of 255.89' to a point;

**Exhibit "A"**

**Page 5 of 9**

**Hike and Bike Trail  
Parking and Access Easement**

THENCE, on the arc of a curve to the right having a radius of 80.00', an arc length of 125.10', a chord bearing of South 83 deg., 08 min., 10 sec., East, a chord distance of 112.74' to a point;

THENCE, South 38 deg., 20 min., 11 sec., East, a distance of 205.89' to a point;

THENCE, on the arc of a curve to the right having a radius of 145.00', an arc length of 99.47', a chord bearing of South 18 deg., 41 min., 00 sec., East, a chord distance of 97.53' to a point;

THENCE, South 00 deg., 58 min., 11 sec., West, a distance of 96.14' to a point;

THENCE, on the arc of a curve to the left having a radius of 90.00', an arc length of 79.02', a chord bearing of South 24 deg., 11 min., 03 sec., East, a chord distance of 76.51' to a point;

THENCE, South 49 deg., 20 min., 17 sec., East, a distance of 62.48' to a point;

THENCE, on the arc of a curve to the right having a radius of 10.00', an arc length of 15.10', a chord bearing of South 06 deg., 04 min., 38 sec., East, a chord distance of 13.71' to a point;

THENCE, South 37 deg., 11 min., 02 sec., West, a distance of 60.70' to a point;

THENCE, on the arc of a curve to the left having a radius of 10.00', an arc length of 15.28', a chord bearing of South 06 deg., 35 min., 24 sec., East, a chord distance of 13.84' to a point;

THENCE, South 50 deg., 21 min., 49 sec., East, a distance of 53.06' to a point;

THENCE, on the arc of a curve to the right having a radius of 45.00', an arc length of 69.39', a chord bearing of South 06 deg., 11 min., 15 sec., East, a chord distance of 62.72' to a point;

THENCE, South 37 deg., 59 min., 17 sec., West, a distance of 63.21' to a point;

THENCE, South 35 deg., 12 min., 43 sec., West, a distance of 18.47' to a point;

THENCE, South 32 deg., 26 min., 25 sec., West, a distance of 52.10' to a point;

THENCE, on the arc of a curve to the left having a radius of 34.00', an arc length of 88.87', a chord bearing of South 42 deg., 26 min., 19 sec., East, a chord distance of 65.65' to a point;

THENCE, North 62 deg., 40 min., 55 sec., East, a distance of 104.67' to a point;

THENCE, on the arc of a curve to the right having a radius of 25.00', an arc length of 39.33', a chord bearing of South 72 deg., 15 min., 09 sec., East, a chord distance of 35.40' to a point;

THENCE, South 27 deg., 11 min., 12 sec., East, a distance of 17.17' to a point;

**Exhibit "A"**

**Page 6 of 9**

*Hike and Bike Trail  
Parking and Access Easement*

**THENCE**, on the arc of a curve to the left having a radius of 25.00', an arc length of 18.98', a chord bearing of South 48 deg., 56 min., 03 sec., East, a chord distance of 18.53' to the **POINT OF TERMINATION** on the North right of way line of a dedicated road named Metropolitan Drive as shown on Metropolitan Park Phase I plat, recorded in File No. 2008019449, Official Public Records, Jefferson County, Texas; having a State Plane Coordinate of N: 13983436.20, E: 3494557.30;

**PARKING AND ACCESS  
0.2752 ACRE OF LAND  
OUT OF THE  
H. WILLIAMS SURVEY, ABSTRACT NO. 56  
CITY OF BEAUMONT,  
JEFFERSON COUNTY, TEXAS**

**BEING** 0.2752 acre of land out of and a part of the H. Williams Survey, Abstract No. 56, City of Beaumont, Jefferson County, Texas; being part of a (Called 300.0) acre tract of land known as Tract 1 conveyed to Jefferson County Drainage District No. 6, recorded in Film Code 104-01-0353, Official Public Records, Jefferson County, Texas; said 0.2752 acre tract being more fully described by metes and bounds as follows, to wit:

**COMMENCING** at a 5/8" steel rod found on the intersection of the South right of way line of a dedicated road named Folsom Drive and the East right of way line of a dedicated road named Major Drive; said 5/8" steel rod being the Northwest corner of the (Called 300.0) acre tract having a State Plane Coordinate of N: 13984188.36 E: 3488936.03;

**THENCE**, North 87 deg., 01 min., 19 sec., East, on the South right of way line of said Folsom Drive, same being the North line of the (Called 300.00) acre tract, a distance of 1121.44' passing a 1/2" steel rod found at 0.35' left of line; continuing a distance of 1171.52' passing a 1/2" steel rod found at 0.36' left of line; continuing for a total distance of 1323.80' to a point for corner being the **POINT OF BEGINNING** and most Northerly Northwest corner of the herein described tract; having a State Plane Coordinate of N: 13984257.14 E: 3490258.05;

**THENCE**, North 87 deg., 01 min., 19 sec., East, a distance of 24.00' to a point for corner being the most Northerly Northeast corner of the herein described tract;

**THENCE**, South 02 deg., 55 min., 28 sec., East, a distance of 46.19' to a point for corner;

**THENCE**, North 87 deg., 04 min., 32 sec., East, a distance of 54.00' to a point for corner;

**THENCE**, South 02 deg., 55 min., 28 sec., East, a distance of 70.00' to a point for corner being the Southeast corner of the herein described tract; having a State Plane Coordinate of N: 13984145.10, E: 3490341.87;

**THENCE**, South 87 deg., 04 min., 32 sec., West, a distance of 132.00' to a point for corner;

**Exhibit "A"**

**Page 7 of 9**

Hike and Bike Trail  
Parking and Access Easement

THENCE, North 02 deg., 55 min., 28 sec., West, a distance of 50.00' to a point for corner;

THENCE, South 87 deg., 04 min., 32 sec., West, a distance of 14.27' to a point for corner;

THENCE, on the arc of a curve to the left having a radius of 15.00', an arc length of 10.04', a chord bearing of South 67 deg., 53 min., 51 sec., West, a chord distance of 9.87' to a point for corner;

THENCE, South 48 deg., 43 min., 11 sec., West, a distance of 8.05' to a point for corner;

THENCE, on the arc of a curve to the left having a radius of 19.99', an arc length of 10.60', a chord bearing of South 33 deg., 32 min., 26 sec., West, a chord distance of 10.47' to a point for corner;

THENCE, South 18 deg., 23 min., 15 sec., West, a distance of 27.67' to a point for corner;

THENCE, North 71 deg., 36 min., 45 sec., West, a distance of 20.00' to a point for corner being the most Westerly Southwest corner of the herein described tract;

THENCE, North 18 deg., 23 min., 15 sec., East, a distance of 27.66' to a point for corner;

THENCE, on the arc of a curve to the right having a radius of 39.99', an arc length of 21.20', a chord bearing of North 33 deg., 32 min., 17 sec., East, a chord distance of 20.95' to a point for corner;

THENCE, North 48 deg., 43 min., 11 sec., East, a distance of 8.05' to a point for corner;

THENCE, on the arc of a curve to the right having a radius of 35.00', an arc length of 23.43', a chord bearing of North 67 deg., 53 min., 51 sec., East, a chord distance of 23.00' to a point for corner;

THENCE, North 87 deg., 04 min., 32 sec., East, a distance of 68.27' to a point for corner;

THENCE, North 02 deg., 55 min., 28 sec., West, a distance of 46.17' to the POINT OF BEGINNING and containing 0.2752 acre of land, more or less.

Note: Bearings, distances, acreage and coordinates shown are based on State Plane Coordinate Grid System, Texas South Central Zone, NAD 83, Combined Scale Factor = 0.999958643, Convergence Angle = 2 deg., 21 min., 31 sec.

This description is based on the Land Survey made by Anthony M. Leger, Registered Professional Land Surveyor No. 5481, on May 2, 2012.

City of Beaumont  
LS-12-0203

**Exhibit "A"**  
**Page 8 of 9**  
Hike and Bike Trail  
Parking and Access Easement

Jefferson County  
**Drainage District No. 6**

P.O. Box 20078  
6550 Walden Rd. • Beaumont, Texas 77720-0078

Telephone (409) 842-1818

Fax (409) 842-2729

Established in 1920

*Board of Directors*

Sam O. Smith  
Joshua W. Allen, Sr.  
James D. McNicholas  
William F. Miranda  
Charles "Chuck" Guillory

Richard P. LeBlanc, Jr.  
General Manager

Jim Broussard  
Asst. General Manager  
Operations

Betty S. Holman  
Asst. General Manager  
Administration

**April 4, 2013**

**HIKE AND BIKE TRAIL EASEMENT**

**Jefferson County Drainage District No. 6  
to the  
City of Beaumont)**

**BEING** a 0.066-acre tract of land out of the H. Williams League, Abstract 56, Beaumont, Jefferson County, Texas, and also being out of that certain tract of land conveyed to Jefferson County Drainage District No. 6 and recorded in the Real Property Records<sup>1</sup>, File 104-01-0353 and being called 2.99 acres, said 0.066-acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at an iron rod found for the northwest corner of the tract herein described and the said 2.99-acre tract, at the intersection of the east right-of-way line of Major Drive and the south right-of-way line of Folsom Road;

**THENCE** north 89°55'45" east, along the north line of the tract herein described and the said 2.99-acre tract and the south line of Folsom Road, 575.83 feet to the northeast corner of the tract herein described;

**THENCE** south 00°04'15" east, along the east line of the tract herein described, 5.00 feet to the southeast corner of the tract herein described;

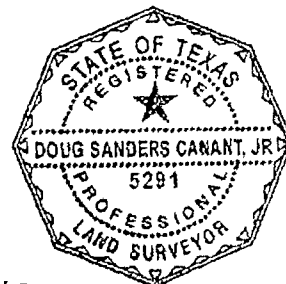
**THENCE** south 89°55'45" west, along the south line of the tract herein described, 575.66 feet to the southwest corner of the tract herein described, in the west line of the 2.99-acre tract and the east line of Major Drive;

<sup>1</sup> All records mentioned are the Jefferson County Clerk's records.

\* All set iron rods are ½" with aluminum cap stamped "DD#6".

\*\* Bearings are based on the South right-of-way line of Folsom Road, being assumed North 89°55'45" east.

\*\*\* A survey plat accompanies this field note description.

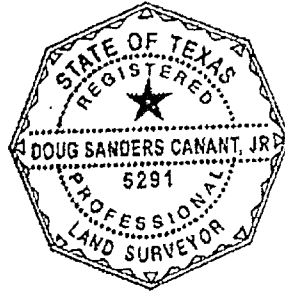


*Doug Canant 4/4/13*

Legal Description - 0.066-Acre Tract  
Hike and Bike Trail, Phase II Easement  
JCDD6/City of Beaumont  
Page 2

**THENCE** north 02°03'32" west, along the west line of the tract herein described and the said 2.99-acre tract, and the east line of Major Drive, 5.00 feet to the **PLACE OF BEGINNING** containing 0.066 acres of land more or less.

Doug Canant 4/4/13  
Doug Canant, Jr., P.E., R.P.L.S., C.F.M. / Date





Page 9 of 9  
Exhibit "A"



*Anthony M. Leger*

HIKE AND BIKE TRAIL EASEMENT  
BEING 20' WIDE AND CONTAINING 4.438 ACRES  
OF LAND ON JEFFERSON COUNTY DRAINAGE  
DISTRICT #6 PROPERTY

CITY OF BEAUMONT  
HIKE AND BIKE TRAIL  
PHASE II  
DOWNEN TO MAJOR



**SOUTEX**  
SURVEYORS & ENGINEERS

1402 E. FM 1733  
SUITE 100  
BEAUMONT, TEXAS 77705

3737 Doctors Drive  
Port Arthur, Texas 77642  
Tel 409.983.2004  
Fax 409.983.2005  
soutex@earthlink.net

CREATED

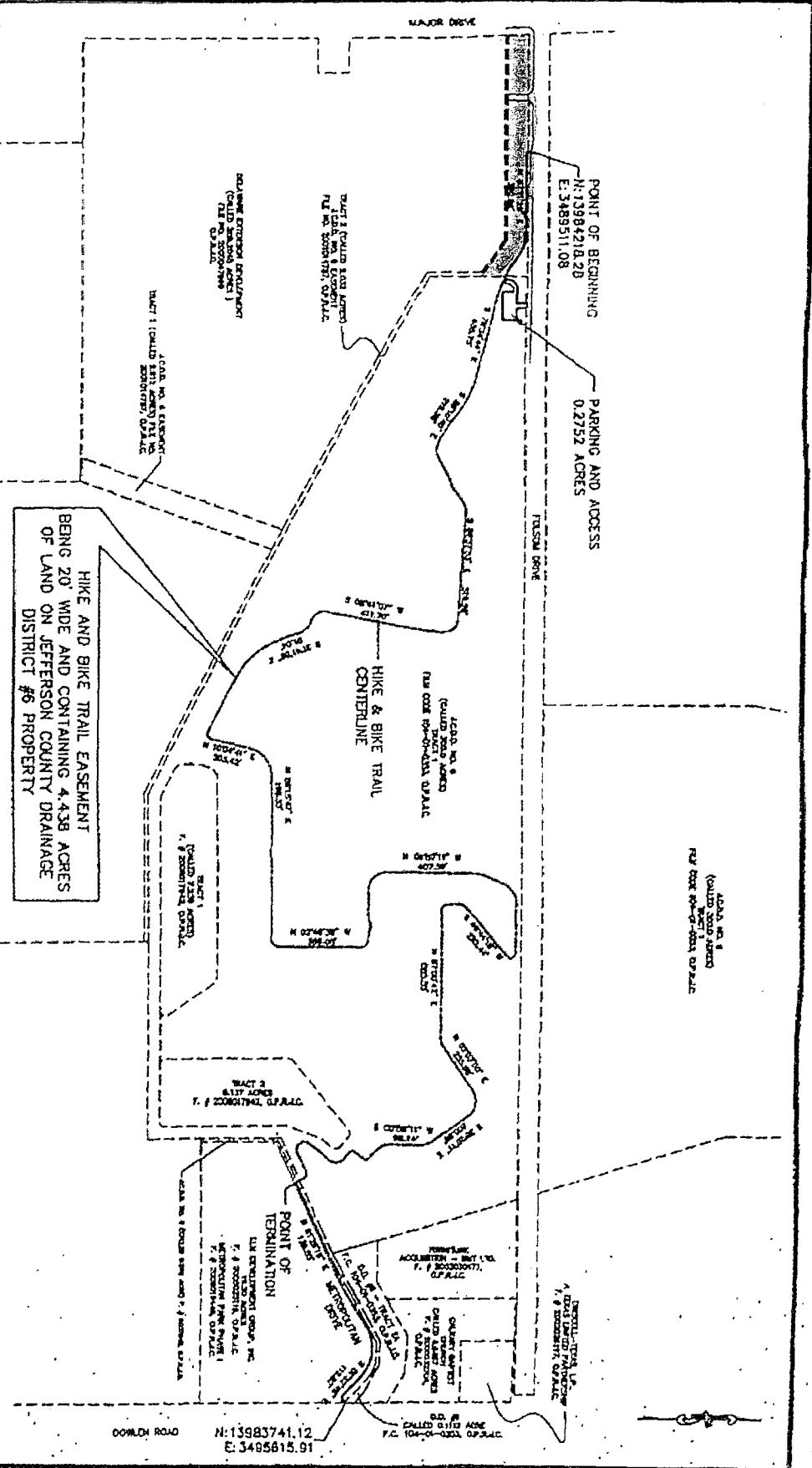
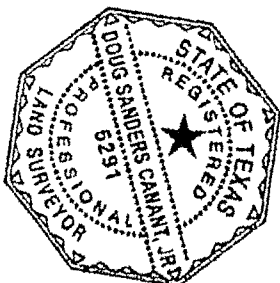


EXHIBIT "B"

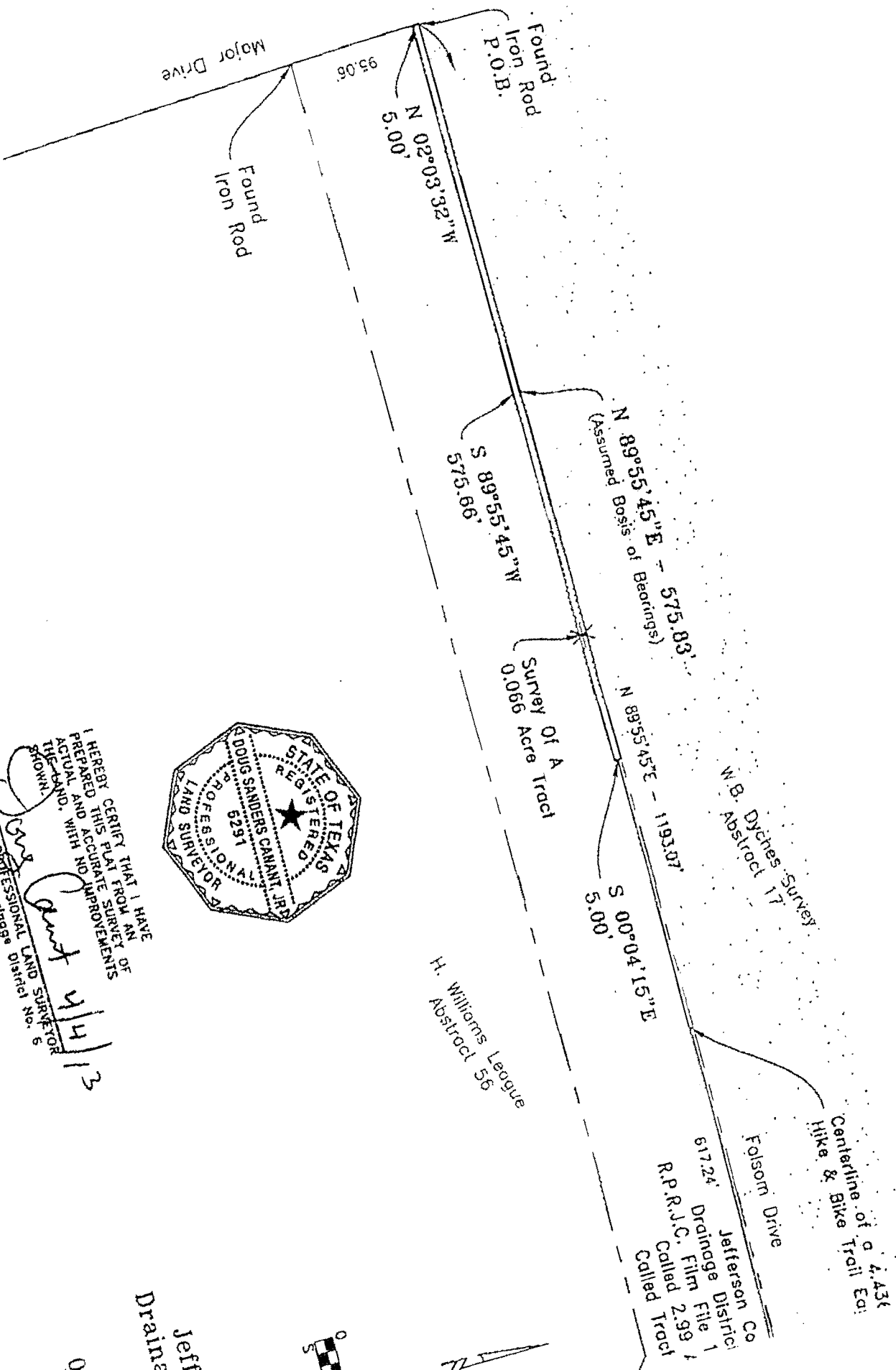
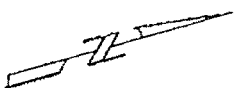
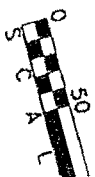
PREPARED BY  
JEFFERSON COUNTY NO. 6  
DRAINAGE DISTRICT  
ENGINEERING DEPARTMENT

A FIELD NOTE DESCRIPTION  
ACCOMPANIES THIS PLAT.

I HEREBY CERTIFY THAT I HAVE  
PREPARED THIS PLAT FROM AN  
ACTUAL AND ACCURATE SURVEY OF  
THE LAND, WITH NO IMPROVEMENTS  
SHOWN.  
J. W. Sanders  
REGISTERED PROFESSIONAL LAND SURVEYOR  
Jefferson County District No. 6  
Jefferson County Road 7707  
6550 Weldon Road, Texas  
Beaumont, Texas 77705  
(409) 842-1818



Jefferson Co  
Drainage District 12  
Ditch Of  
Survey Of  
0.066 Acre Tract  
Out Of Co  
Jefferson District  
Drainage Of Land  
Tract Of League  
H. Williams, Jefferson  
Beaumont, Jefferson



**File 845-OB:** Request to abandon a portion of the hike and bike trail parking and access easement.

**Location:** Corner of North Major Drive and Folsom Drive


**Applicant:** Drainage District No. 6

0 100 200 Feet

N



**Legend**

 845OB

**A-R**

**G2**

**FOLSOM DR**

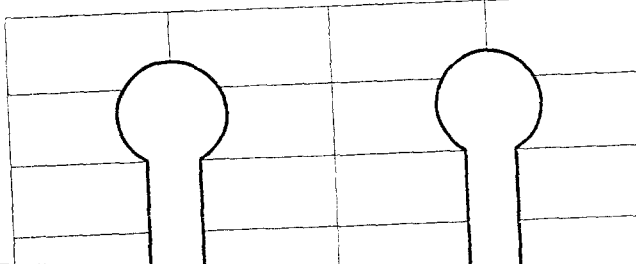
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**GC-MD**

**G2**

**R-S**

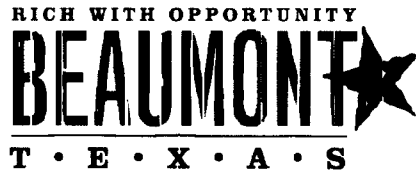
**N MAJOR DR**



**April 29, 2014**

Consider approving a resolution authorizing the City Manager to negotiate and execute a lease with the Beaumont Children's Museum for the use of a designated area of the Beaumont Civic Center

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Jim Thompson, Director of Management Operations

**MEETING DATE:** April 29, 2014

**REQUESTED ACTION:** Council consider a resolution authorizing the City Manager to negotiate and execute a lease with the Beaumont Children's Museum for the use of a designated area of the Beaumont Civic Center.

### BACKGROUND

The Beaumont Children's Museum (BCM) is interested in moving forward with the development of its activities and has requested that the City consider allowing it to lease a specific area of the Beaumont Civic Center for that purpose.

The City has space that can be made available to BCM which includes the five meeting rooms, the adjacent restrooms, and the corridor.

The Agreement will make BCM responsible for all costs associated with development of the programming and exhibits and general maintenance. The City will continue to be responsible for the major structural building components and janitorial services. BCM will pay \$500 per month as rent.

The Agreement will substantially follow the form of the draft attached for your review.

### FUNDING SOURCE

Not applicable.

### RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL

OF THE CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute a Development and Lease Agreement, substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes, with the Beaumont Children's Museum (BCM), a non-profit corporation, for use of a designated area of the Beaumont Civic Center.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 29th day of April, 2014.

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- Mayor Becky Ames -

3

**1.**  
**CITY COMMITMENT**

1.1. City will provide to BCM the use of the Facilities and allow for parking in the north Civic Center parking lot.

1.2. The Facilities will be made available for a period of five (5) years after the date of execution of this Agreement, after which time the right of BCM to use the property will terminate unless BCM has completed the build-out of the museum and is using the Facilities for same.

1.3. BCM may renew the original term for an additional five (5) year period with the authorized consent of the City Council.

**2.**  
**BCM COMMITMENTS**

2.1. BCM will be solely responsible for providing funding of the entire project, including, but not limited to, construction costs, architectural fees, and engineering fees necessary for renovation of the Civic Center to accommodate the museum facilities.

2.2. BCM will retain an engineer or architect licensed in the State of Texas to prepare construction drawings and specifications for the build-out and provide contract management of the entire project. The plans and specifications for the project shall be subject to the approval of the City Manager of City or his designee.



2.3. BCM will be responsible for the renovation and construction of the museum facilities in accordance with all laws and ordinances applicable to such construction.

### 3. LEASE AGREEMENT

3.1. As rental for the Facilities, BCM agrees to pay to City the sum of Five Hundred Dollars (\$500) per month. Payments will be paid based on invoicing from the City's Cash Management Division.

3.2. BCM shall use and occupy the Facilities as a children's museum and for related purposes, including, but not limited to, educational, civic, fundraising, and museum related entertainment purposes. BCM agrees to operate the Facilities as a children's museum during the full term of this Lease. Should BCM fail to continue to use the premises for these intended public purposes, the Lease shall terminate and the City shall be allowed to retake the premises.

3.3. BCM will comply with any and all laws, ordinances, rules, orders and regulations of any governmental authority which are applicable to BCM's operations in and on the Facilities.

3.4. Nothing contained herein shall prevent BCM from charging an admission price for persons to attend events at the museum or to use and charge for the use of the museum facilities for related events. City Administration shall be allowed to use the Facilities when available for no charge for official City of Beaumont business two (2) times per year.

3.5. During the term of this Lease, BCM shall not, without first obtaining the written consent of the City Manager of City or his designee, make any alterations, additions, or improvements in, to or about the Facilities, provided, however, that such consent shall not be unreasonably withheld. Any work done by BCM in, to or about the Facilities shall be done in a good and workman-like manner and without impairing the structural integrity of the building and in compliance with all applicable codes, ordinances and laws and no liens shall attach to the Facilities. Similarly, during the term of this Lease, City will not, without first obtaining the written consent of BCM make any alterations, additions or improvements in, to or about the Facilities; provided, however, that such consent shall not be unreasonably withheld.

3.6. BCM shall not do or suffer anything to be done in or about the Facilities which will increase the rate for fire and extended coverage insurance on the Facilities.

3.7. Upon any termination of this Lease under any provisions of this Lease other than on a default on the part of BCM, BCM shall be entitled to remove all of the furniture, furnishings and other property of BCM located on the premises.

3.8. BCM shall procure and maintain all insurance which it deems necessary for its protection against loss of or damage to any property in or on the Facilities.

3.9. Either party may terminate this Lease with a ninety (90) day written notice to the other. However, if either party defaults on the performance of any covenants or conditions hereof, such party may give notice of such default to the other and, if such other party does not cure such default within thirty (30) days after such notice, then the non-defaulting party may terminate this Lease by written notice to so terminate and, if terminated by City, City may re-enter and take possession of the Facilities or remove all persons and property therefrom without being deemed guilty of any manner of trespass.

3.10. The failure of either party to insist on strict performance of any covenant or

condition hereof or to exercise any option or election herein contained shall not be construed as a waiver of such covenant, condition, option or election. In any other instance, this Lease cannot be changed, amended or terminated orally.

3.11. During the term of this Lease, BCM shall be responsible for all general building maintenance and upkeep of the Facilities. Maintenance, as used herein, shall mean replacement of luminaries, repair of constructed features, replacement of floor coverings, and interior painting. City will be responsible for janitorial services, structural walls, foundation, roof, exterior windows, HVAC system operation, major plumbing repairs, and the structural integrity of the Facilities. BCM will be responsible for telephone and cable television or other cable communication devices and services.

3.12. BCM will have control of the use of the Facilities throughout the term of this lease and, thus, may allow the Facilities to be used by others when available on terms and conditions to be decided by BCM. However, BCM may not assign its obligations under this lease without the prior written consent of City Manager of City.

3.13. BCM shall provide broad form liability insurance (including contractual coverage) naming the City as an additional insured for all uses of the Facilities with aggregate limits of not less than \$1 million. A copy of same shall be filed with City annually.

3.14. The provisions of this Lease shall apply to, bind and inure to the benefit of City and BCM and their respective successors and assigns; provided, however, that the inclusion of assigns in this sentence shall not be construed to permit an assignment contrary to any other provision or covenant of this lease.

3.15. This Lease and any and all amendments, modifications or other writings pertaining thereto shall be construed under and pursuant to the laws of the State of

Texas.

3.16. In the event that any provision hereof or the application thereof to any person or circumstances shall be judged invalid or unenforceable, the remainder of this Lease or the application of such provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby and each term and provision of this Lease shall be valid and enforced to the fullest extent permitted by law.

3.17. In construing this Lease, masculine or feminine pronouns shall be substituted for those neuter in form and vice versa and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.

3.18. Any notice required hereunder shall be given in writing and shall be deemed to have been duly given only if delivered personally or sent by registered or certified United States mail, return receipt requested, in a postpaid envelope properly addressed to the party entitled to receive such notice. Notices shall be sent to the following addresses:

City:  
City Manager  
City of Beaumont  
P.O. Box 3827  
Beaumont, Texas 77704

BCM:  
President  
The Beaumont Children's Museum  
P. O. Box 7293  
Beaumont, Texas 77726-7293

3.19. City shall be provided keys to the facilities and may enter the Facilities at any time upon reasonable prior notice to BCM.

3.20. This Agreement and Lease may only be amended by the parties in writing executed by BCM and City Manager of City as authorized by the City Council.

3.21. BCM agrees to indemnify and hold harmless and defend City its officers, agents and employees from and against all liability for claims, liens, suits, demands, and/or actions

for damages, injuries to person (including death), property damage, (including loss of use), and expenses including court costs and attorney's fees, and reasonable costs arising out of or resulting from BCM's activities in the Facilities, expressly including negligence of City its officers, agents, employees, or invites.

3.22. BCM shall have the right to erect, paint or place exterior signs on the property and facilities only with the approval of the City Manager or his duly authorized designee.

IN WITNESS WHEREOF, BCM and City have executed or cause to be executed by the duly authorized officers or agents this Lease, all as of the day and year first above-written.

CITY OF BEAUMONT

THE BEAUMONT CHILDREN'S MUSEUM

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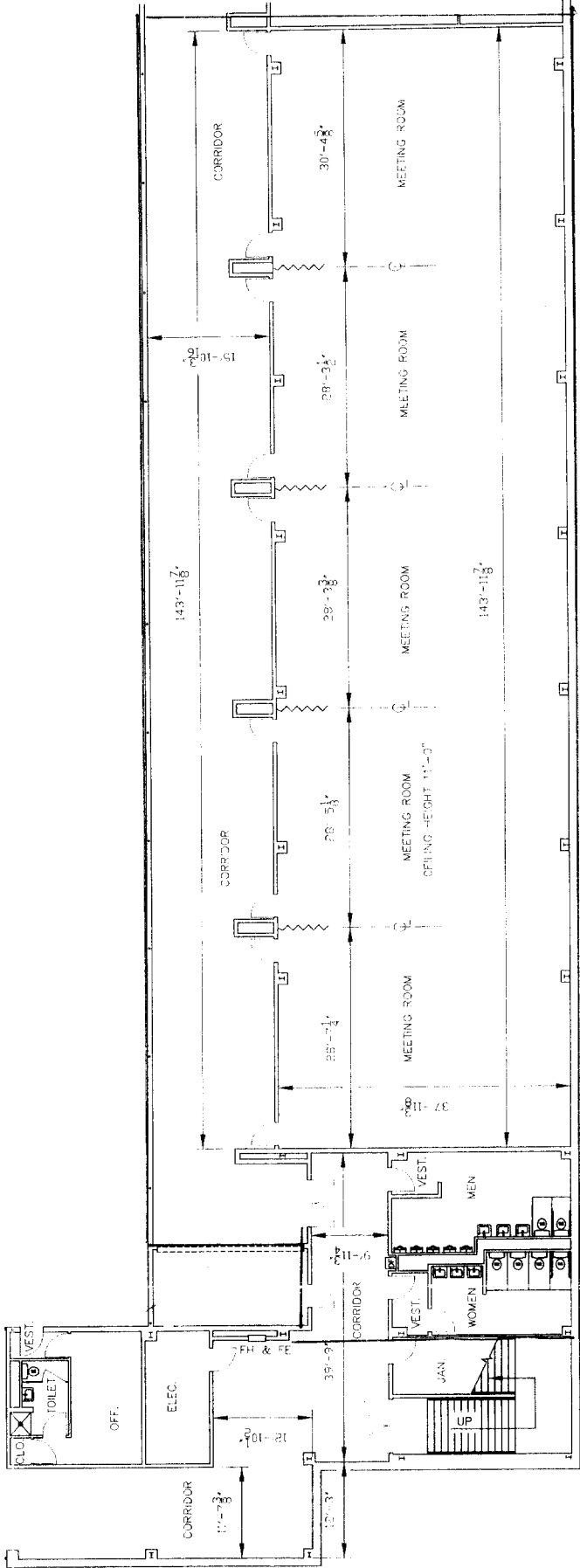
Kyle Hayes, City Manager

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President

Exhibit 'A'

ISSUED FOR
03/11/2014
PLOT DATE
RDL 03/11/2014
DRAWN BY / DATE
CHECKED BY
APPROVED BY
PROJECT NO.

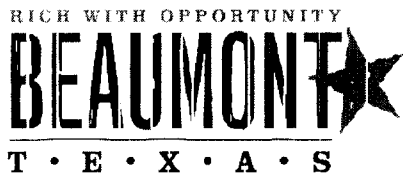


PARTIAL FLOOR PLAN  
SCALE: 1/16" = 1'-0"

**April 29, 2014**

Consider approving a resolution authorizing the City Manager to approve a change order to the contract with Allco, Ltd. for the Surface Water Treatment Plant Improvements Phase I Project

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Dr. Hani J. Tohme, P.E., City Utilities Director

**MEETING DATE:** April 29, 2014

**REQUESTED ACTION:** Council consider a resolution authorizing the City Manager to approve a change order to the contract with Allco, Ltd. for the Surface Water Treatment Plant Improvements Phase I Project.

### **BACKGROUND**

The City Council approved a contract with Allco, Ltd., on May 8, 2008, in the amount of \$8,041,191.50. The contract renovated the pulsators, constructed new chlorine and chemical feed facilities, and installed new 1500KW generators to increase the efficiency and reliability of the Water Treatment Plant.

The proposed change order in the amount of \$313,350.00 will furnish all necessary labor, materials, and equipment to construct a bypass line to transfer water from the inlet filters to the ground storage tank. The existing 72-inch diameter line is leaking and needs to be repaired. This line cannot be taken out of service for more than 4 hours without impacting the water supply to the City. Therefore, a bypass line must be built in order to isolate the 72-inch line and repair it. A portion of the repair materials were purchased separately by the City of Beaumont.

As a part of the change order, 120 additional calendar days will be added to the contract time.

### **FUNDING SOURCE**

Capital Program.

### **RECOMMENDATION**

Approval of resolution



# APPROVAL OF CONTRACT CHANGE

CHANGE ORDER No. Eight  
DATE: April 29, 2014

**PROJECT:** City of Beaumont, Texas  
Surface Water Treatment Plant Improvements Phase I

**OWNER:** City of Beaumont, Texas  
801 Main Street  
Beaumont, Texas 77704

**CONTRACTOR:** Allco, Inc.  
6720 College Street  
Beaumont, Texas 77707

**TO THE OWNER:** Approval of the following contract change is requested.

**Reason for Change:** Additional improvements to the project as described below

<b>ORIGINAL CONTRACT AMOUNT:</b>	\$	8,041,191.50
<b>CHANGE ORDER No. 1</b>	\$	239,066.95
<b>CHANGE ORDER No. 2</b>	\$	26,195.75
<b>CHANGE ORDER No. 3</b>	\$	209,871.72
<b>CHANGE ORDER No. 4</b>	\$	200,207.75
<b>CHANGE ORDER No. 5</b>	\$	155,026.00
<b>CHANGE ORDER No. 6</b>	\$	54,407.08
<b>CHANGE ORDER No. 7</b>	\$	5,337.00

## **THIS CHANGE ORDER**

Description		Net Change
Furnish all necessary labor, materials, and equipment to construct a bypass line around the existing 72-inch line that transfers water from the inlet filters to the ground storage tank.	\$	313,350.00

**TOTAL AMOUNT OF THIS CHANGE ORDER** \$ 313,350.00

**TOTAL AMOUNT OF PREVIOUS CHANGE ORDERS** \$ 890,112.25

**TOTAL REVISED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER:** \$ 9,244,653.75

<b>CONTRACT TIME</b>	<b>465 Calendar Days</b>
Additional Contract Time From Previous Change Orders:	369 Calendar Days
Additional Time Requested:	120 Calendar Days
Total Additional Time:	<b>489 Calendar Days</b>
Revised Contract Time	<b><u>954 Calendar Days</u></b>

## **CONDITION OF CHANGE:**

"Contractor acknowledges and agrees that the adjustments in contract price and contract time stipulated in this Change Order represents full compensation for all increases and decreases in the cost of, and the time required to perform the entire work under the Contract arising directly or indirectly from this Change Order and all previous Change Orders. Acceptance of this waiver constitutes an agreement between Owner and Contractor that the Change Order represents an all inclusive, mutually agreed upon adjustment to the Contract, and that Contractor will waive all rights to file a claim on this Change Order after it is properly executed."

Recommended by:

Approved by:

Accepted by:

City of Beaumont  
Director of City Utilities

City of Beaumont  
Owner

Allco, Inc.  
Contractor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## RESOLUTION NO.

WHEREAS, on May 6, 2008, the City Council of the City of Beaumont, Texas, passed Resolution No. 08-137 awarding a contract in the amount of \$8,041,191.50 to Allco, Ltd., Beaumont, Texas, for the proposed Surface Water Treatment Plant Improvements Phase I Project; and,

WHEREAS, on December 23, 2008, the City Council of the City of Beaumont, Texas passed Resolution No. 08-351 authorizing Change Order No. 1, in the amount of \$239,066.95, to furnish labor, equipment and material to install a new alum tank, the removal and disposal of deteriorated existing precast pipe supports, and furnish labor, equipment and material to install stainless steel pipe supports for each of the three (3) pulsators, thereby increasing the contract amount to \$8,280,258.45; and,

WHEREAS, on February 10, 2009, the City Council of the City of Beaumont, Texas passed Resolution No. 09-040 authorizing Change Order No. 2, in the amount of \$26,195.75, to increase the pulsator concrete and crack repairs in excess of bid quantities in Pulsator #2, including labor and materials, thereby increasing the contract amount to \$8,306,454.20; and,

WHEREAS, on July 14, 2009, the City Council of the City of Beaumont, Texas passed Resolution No. 09-209 authorizing Change Order No. 3, in the amount of \$209,871.72, to demolish electric manhole duct banks, change PVC conduit to Rigid Galvanized Steel conduit at Electric Building, remove abandoned 24-inch pipeline, install handrails at Pulsator raw water channel, provide emergency power for SCADA transmitter, replace (2) 48-inch flow meters with (2) 36-inch flow meters with adaptors for accuracy, upgrade all windows and doors in Chemical Building to Hurricane rated, install new duct

bank from electric manhole to switch rack, place PatchCrete wainscoat over exposed concrete block at Chemical Building, install Chemical Building roof drain line to existing catch basin, replace existing 4x4 wooden chlorine ton container runners with 40 lb. steel rail, sample pump modifications to submersible pumps in lieu of centrifugal pumps, repair leakage and concrete damage to the walls of the existing Mixed Water Channel, including repair of through-the-wall cracks with Combiflex, epoxy injection of 562 linear feet of cracks and sandblasting and coating of the exterior of the channel at Pulsators 1, 2, and 3, replace trolley hoist for Chemical Building, install electric manhole EMH-7, paint the external Vacuum Chamber structures for Pulsators 1, 2, and 3, and additional 900 linear feet of 4-inch electrical PVC electrical installation to Administration Building from electrical switchgear manhole, thereby increasing the contract amount to \$8,516,325.92; and,

WHEREAS, on January 19, 2010, the City Council of the City of Beaumont, Texas passed Resolution No. 10-012 authorizing Change Order No. 4, in the amount of \$200,207.75, to furnish and install stairs and platforms for the new generators, weld monorail joints in the Chlorine Building, provide concrete paving around the Electrical Building, clean and re-caulk joints on the 5 MG clearwell cap, install ladders and step platforms in the meter vault, install a 6-inch liner wall at the mixed water channel, replace (2) magna drives at the backwash pumps, install a 3-inch PVC chlorine solution line from Chemical Building to the Filter Building, add PVC expansion joints on wash lines in the Pulsator Basins, pulsator concrete and crack repairs in excess of bid quantities in Pulsator #3 (including labor and materials), reconfigure chemical metering pump piping, and upgrade electrical to the Radio Building and Metal Storage Building, thereby increasing the contract amount to \$8,716,533.67; and,

WHEREAS, on May 25, 2010, the City Council of the City of Beaumont, Texas passed Resolution No. 10-144 authorizing Change Order No. 5, in the amount of \$155,026.00, to upgrade the Operations Building windows and doors to hurricane rating, install concrete barriers at east side of Plant, install epoxy coating liner on Mixed Water Channel floor and walls, install 10 concrete perimeter barriers between fence and filter structure, install concrete perimeter barriers at north end of Plant, install concrete perimeter barriers at Lawsons Canal Bridge on Marina Drive, and revise airlines at the pulsator sludge valves, thereby increasing the contract amount to \$8,871,559.67; and,

WHEREAS, on June 21, 2011, the City Council of the City of Beaumont, Texas passed Resolution No. 11-174 authorizing Change Order No. 6, in the amount of \$54,407.08, for the removal and shoring up of the filter media, improvements to the bulk storage tank, repairs to the block wall coatings, improvements to the electrical wiring of the Chemical Building, and the removal of Schedule 80 PVC piping and installation of Schedule 40 galvanized steel piping as part of the wash water system in all three (3) pulsators, thereby increasing the contract amount to \$8,925,966.75; and,

WHEREAS, on October 30, 2012, the City Manager executed Change Order No. 7, in the amount of \$5,337.00, thereby increasing the contract amount to \$8,931,303.75; and,

WHEREAS, Change Order No. 8, in the amount of \$313,350.00, is required to furnish all labor, materials, and equipment to construct a bypass line to transfer water from the inlet filters to the ground storage tank, thereby increasing the contract amount to \$9,244,653.75;

NOW, THEREFORE, BE IT RESOLVED BY THE  
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute Change Order No. 8, in the amount of \$313,350.00, thereby increasing the contract amount to \$9,244,653.75 for the Surface Water Treatment Plant Improvements Phase I Project.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 29th day of April 2014.

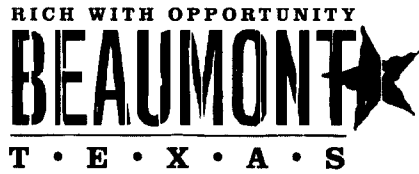
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- Mayor Becky Ames -

**April 29, 2014**

Consider approving a resolution authorizing a contract for property insurance coverage for various city owned buildings and assets

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Tyrone E. Cooper, City Attorney

**MEETING DATE:** April 29, 2014

**REQUESTED ACTION:** Consider a resolution authorizing a contract for property insurance coverage for various city owned buildings and assets.

### BACKGROUND

Talon Insurance Agency, of Port Arthur, Texas is the City's broker of record for securing the City's property insurance. The proposed premium is based on a total building value of \$221,380,040. The cost of the policy for this year is \$1,250,247.14, a 16.17% decrease from last year's premium of \$1,490,734.80. The net rate per \$100 valuation, based on the insured value decreased from \$0.6739987 to \$0.5647519 from last year.

Companies providing insurance are layered with exposure limited to the amount of damage. All risk coverage, including Flood and Earth Movement, is provided by AmRisc, LP, First Specialty Insurance, Westchester, Landmark American, Evanston, and Liberty Surplus.

The deductibles for the new policy are as follow:

DEDUCTIBLES	
Fire and All Other Perils excluding wind	\$50,000
Flood except Flood Zone A and Shaded X	\$100,000
Flood - Zone A and Shaded X	\$500,000
Windstorm (Named Storms)	2% of Scheduled Value
All other Wind/Hail/Earthquake	\$50,000
Boiler and Machinery	\$25,000

All insurance companies contained in the new policy are A.M. Best rated at A+15. A binder to the policy will be issued May 1 for primary coverage. The policy renewal will be in effect from May 1, 2014 to May 1, 2015.

**BUDGETARY IMPACT**

Funds are available in the Public Works Building Utilities budget.

**RECOMMENDATION**

Approval of resolution.



RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Manger be and he is hereby authorized to execute a contract for fire, extended coverage, flood and quake property insurance in the amount of \$1,250,247.14 through Talon Insurance Agency, of Port Arthur, Texas, as broker, for all risk coverage, including Flood and Earth Movement provided by AmRisc, Ltd., First Specialty Insurance, Westchester, Landmark American, Evanston, and Liberty Surplus effective May 1, 2014.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 29th day of April, 2014.

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- Mayor Becky Ames -

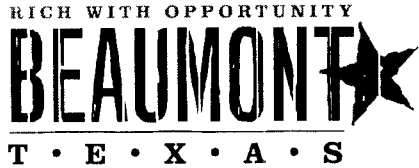
# **PUBLIC HEARING**

- \* Receive comments on the Consolidated Grant Program's 2014 Annual Action Plan

April 29, 2014

Consider approving a resolution adopting the 2014 Annual Action Plan

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Chris Boone, Planning & Community Development Director

**MEETING DATE:** April 29, 2014

**REQUESTED ACTION:** Council conduct a Public Hearing to receive comments on the Consolidated Grant Program's 2014 Annual Action Plan and consider approving a resolution adopting the 2014 Annual Action Plan.

### BACKGROUND

As mandated by the U. S. Department of Housing and Urban Development (HUD), City Council has conducted public hearings and work sessions in previous years prior to adopting the City's Annual Action Plan. Planning & Community Development Staff, along with the Community Development Advisory Committee (CDAC), hosted Public Hearings in order to receive public comments on the process and activities related to the 2014 Annual Action Plan.

Attached is the proposed 2014 Action Plan and Budget that will be submitted to HUD for approval. Also attached is the detailed listing of Public Services, Public Facilities and Improvements Homeless Set-Aside applicants, the recommendations by the CDAC and the recommendations of the Administration.

The proposed budget reflects allocations of \$1,307,397 in Community Development Block Grant (CDBG) funding, an estimated \$100,000 in Program Income and \$404,482 in HOME funding.

### FUNDING SOURCE

U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant and HOME Investment Partnership grant.

### RECOMMENDATION

Council conduct the Public Hearing and approve the resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Council hereby adopts the HUD Consolidated Grant Program's 2014 Action Plan, as well as the budget of the Action Plan in the amount of \$1,811,879. The Plan is substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 29th day of April, 2014.

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- Mayor Becky Ames -

<b>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</b>	2014 <u>Budget</u>
<b>CLEARANCE AND DEMOLITION</b> Funds will be used to demolish unsafe, unsanitary and uninhabitable residential structures located in low to moderate income areas.	65,000
<b>HOUSING</b> Rehabilitation Administration	35,918
<b>MINOR REPAIR</b> Funds will be used for the minor repair of approximately four homes at a maximum of \$10,000 each and to pay for cost estimates, lead-base clearance testing and repairs. The funding will be used to assist low/moderate income persons, primarily elderly and disabled.	40,000
<b>PUBLIC FACILITY &amp; IMPROVEMENT</b> Section 108 Loan Repayment for: Hotel Beaumont; Jefferson Theater; Theodore R. Johns, Jr. Library; L.L. Melton YMCA	820,000
<b>PUBLIC SERVICES</b> Public Service Organizations Funds will be used for administrative and operating costs for various public service organizations that provide services to low/moderate income citizens.	65,000
<b>ADMINISTRATION</b> Funds will be used for personnel and operating expenses necessary for compliance with the planning, execution, and regulatory requirements associated with the implementation of the HUD Consolidated Grant Program.	281,479
<b>TOTAL ENTITLEMENT</b>	<b>1,307,397</b>
<b>Program Income</b> Small Business Loan Historic Preservation Loan Fund Clearance and Demolition *Program Income is Estimated	100,000
<b>TOTAL CDBG</b>	<b><u>1,407,397</u></b>

	2014 <u>Budget</u>
<b>HOME</b>	
<b>AFFORDABLE HOUSING PROGRAM</b>	
Funds will be awarded to a non-profit housing development organization that will assist low/moderate income families in the process of acquiring a home (down payment assistance/closing costs, and mortgage buy downs).	
<b>HOME ADMINISTRATION</b>	<b>40,449</b>
<b>CHDO OPERATING (5%)</b>	<b>20,224</b>
(Community Housing Development Organization Operating)	
<b>CHDO RESERVE (15%)</b>	<b>60,672</b>
(Community Housing Development Organization Reserve)	
<b>ENTITLEMENT (70%)</b>	<b>283,137</b>
<b>TOTAL HOME</b>	<b>404,482</b>

As of 3/18/1

# 2014 CONSOLIDATED BLOCK GRANT PROGRAM APPLICATIONS Public Services/Public Facilities & Improvements/Emergency Shelter Set-Aside

ORGANIZATION		AMOUNT REQUESTED	CDAC RECOMMENDATIONS	ADMINISTRATION RECOMMENDATIONS	CITY COUNCIL RECOMMENDATIONS
<b><u>PUBLIC SERVICES</u></b>					
1.	AARP/Experience Corp	\$15,000.00	\$5,568.00	\$5,568.00	\$0.00
2.	Catholic Charities of Southeast Texas	\$15,000.00	\$3,579.00	\$3,579.00	\$0.00
3.	Child Abuse & Forensic Services	\$20,000.00	\$5,568.00	\$5,568.00	\$0.00
4.	Girls Haven Inc.	\$20,000.00			\$0.00
5.	IEA - Inspire, Encourage, Achieve	\$8,000.00	\$8,000.00	\$8,000.00	\$0.00
6.	Julie Roger's "Gift for Life"	\$8,500.00	\$8,500.00	\$8,500.00	\$0.00
7.	Lamar University/Texas Governor's School	\$6,300.00			\$0.00
8.	Nutrition and Services for Seniors	\$6,000.00	\$6,000.00	\$6,000.00	\$0.00
9.	Our Mother of Mercy - Summer Program	\$20,000.00			\$0.00
10.	Our Mother of Mercy - Social Outreach Program	\$5,000.00			\$0.00
11.	Southeast Texas Food Bank	\$17,500.00	\$6,363.00	\$6,363.00	\$0.00
12.	Sports Society for American Health	\$5,625.00			\$0.00
13.	TASTE - Teaching Agriculture Sustainability	\$2,730.00	\$2,730.00	\$2,730.00	\$0.00
	<b>Total Public Services</b>	<b>\$149,665.00</b>	<b>\$46,308.00</b>	<b>\$46,308.00</b>	<b>\$0.00</b>
<b><u>PUBLIC FACILITIES AND IMPROVEMENTS</u></b>					
14.	Family Services of SETX	\$20,000.00	\$7,159.00	\$7,159.00	\$0.00
15.	R. L. Shorkey Center	\$3,408.00			\$0.00
16.	The H.O.W. Center	\$21,290.00	\$3,579.00	\$3,579.00	\$0.00
	<b>Total Public Facilities and Improvements</b>	<b>\$44,698.00</b>	<b>\$10,738.00</b>	<b>\$10,738.00</b>	<b>\$0.00</b>
<b><u>HOMELESS/SET-ASIDE</u></b>					
17.	Family Services of Southeast Texas	*			\$0.00
17.	Henry's Place/Some Other Place	\$20,000.00	\$7,954.00	\$7,954.00	\$0.00
18.	The Salvation Army	\$27,200.00			\$0.00
	The H.O.W. Center	*			\$0.00
	<b>Total Homeless/Set-Aside</b>	<b>\$47,200.00</b>	<b>\$7,954.00</b>	<b>\$7,954.00</b>	<b>\$0.00</b>
	<b>TOTAL AMOUNT REQUESTED FOR ALL FUNDING</b>	<b>\$241,553.00</b>	<b>\$65,000.00</b>	<b>\$65,000.00</b>	<b>\$0.00</b>